



SALW Survey of Moldova



SEESAC

South Eastern and Eastern Europe Clearinghouse
for the Control of Small Arms and Light Weapons





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 (UNDP) and the Stability Pact for South Eastern Europe (SCSP) to further 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.

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Acronyms and abbreviations

ADGT	Arms and Dual-Use Goods and Technologies
ATT	Arms Trade Treaty
BAFA	Federal Office of Economics and Export Control (Germany)
BGS	Border Guard Service
BGT	Border Guard Troops
BUMAD	Belarus, Ukraine and Moldova Anti-Drugs Programme
CAA	Civil Aviation Authority
CDPP	Christian Democratic People's Party
CFE	Treaty on Conventional Armed Forces in Europe
CIS	Commonwealth of Independent States
CPM	Communist Party of Moldova
CSBM	Confidence and Security Building Measures
CSO	Civil Society Organisation
DCOC	Department for Combating Organised Crime
DoPO	Department of Public Order
DMR	Dniestrian Moldovan Republic
EC	European Commission
ENP	European Neighbourhood Policy
EU	European Union
EU CoC	EU Code of Conduct on Arms Exports
EUSR	European Special Representative
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FSU	Former Soviet Union
GDP	Gross Domestic Product
GUAM	Georgia, Ukraine, Azerbaijan and Moldova (political organisation)
HFAM	Hunting and Fishing Association of Moldova
HHS	Household Survey
ICC	Interdepartmental Control Commission
ICD	International Classification of Diseases
ICG	International Crisis Group
IDP	Internally Displaced Person(s)
IOM	International Organisation for Migration
ISD	Internal Security Division
IPP	Institute for Public Policy
IPAP	Individual Partnership Action Plan
IWPR	Institute of War and Peace Reporting
JCC	Joint Control Commission
JMC	Joint Military Command
JPKF	Joint Peace Keeping Forces
KII	Key Informant Interview
MANPADS	Man-Portable Air Defence System

MFA	Ministry of Foreign Affairs and European Integration
MIA	Ministry of Internal Affairs
MoD	Ministry of Defence
MoE	Ministry of Economy and Commerce
MoH	Ministry of Health
MoJ	Ministry of Justice
MoR	Ministry of Reintegration
MoU	Memorandum of Understanding
NAMSA	NATO Maintenance and Supply Agency
NATO	North Atlantic Treaty Organisation
NCB	National Control Bureau (INTERPOL liaison office)
NFP	National Focal Point
NGO	Non-Governmental Organisation
OGRF	Operational Group of Russian Forces
OSCE	Organisation for Security and Co-operation in Europe
PCA	EU Partnership and Co-operation Agreement
PDGC	Private Detective and Guard Companies
PfP	Partnership for Peace
PMC	OSCE Voluntary Fund Programme Management Cell
PMR	<i>Pridnestrovskaya Moldovskaya Respublika</i>
PoAUN	Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects
RPG	Rocket Propelled Grenade launcher
RPK	<i>Ruchnoi Pulemet Kalashnikova/ Kalashnikov light machine gun</i>
PSC	Private Security Company
RAAS	Rocket and Artillery Armament Section
RACVIAC	Regional Arms Control and Verification Implementation Assistance Centre
RF	Russian Federation
RMDS/G	Regional Micro-Disarmament Standards/Guidelines
SAA	Small Arms Ammunition
SALW	Small Arms and Light Weapons
SECI	Southeast European Cooperative Initiative
SEE	Southeast Europe
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of SALW
SGS	State Guard Service
SIS	Information and Security Service
SKS	<i>Samozaradny Karabin Symonova</i> (self-loading carbine system)
SSR	Security Sector Reform
SSRM	Soviet Socialist Republic of Moldova
UN	United Nations
UNDDA	United Nations Department for Disarmament Affairs
UNDP	United Nations Development Programme
UXO	Unexploded Ordnance
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organisation

Executive Summary

Background

The SALW Survey of Moldova is a report on Small Arms and Light Weapons (SALW) and human security issues in Moldova, researched by the non-governmental organisations Saferworld (UK) and the Institute for Public Policy (Moldova) between September 2005 and January 2006. The report is comprehensive in scope, considering not only the distribution of SALW in the country, but also its impact on individuals, communities and the state, public attitudes and perceptions towards arms and security, and the capacity of state institutions to control the proliferation and misuse of SALW.

In order to aid policy-makers in developing effective responses to the SALW control challenges facing Moldova at this time, periodic consultation meetings were organised in late 2005 by the Survey team as part of the research process so that officials from the Moldovan Government, the Transdniestrian authorities and international organisations might review preliminary research findings and comment on them. The views expressed during these consultations are reflected in the final research report. They have also informed the recommendations offered to the Moldovan Government by the Survey team in a separate document.

In the same way that the research methods for this study were chosen to reflect the situation as it presently exists, the format of the final report also reflects the constitutional and conflict realities of contemporary Moldova. The Survey is divided into three sections, with the situations in the Gagauz Yeri autonomous region, Transdniestria and the Security Zone (a jointly-administered demilitarised area along the internal border) and the remaining territory controlled by the internationally recognised Government of Moldova, each presented separately. This format and the research that has been undertaken by the Survey team does not in any way support or contest the legality of the administration in Transdniestria, but simply reflects the SALW control realities on the ground.

Introduction

Moldova has undergone one of the more difficult and uneven transition processes of all post-soviet republics. In part, this has been due to the country's uncertain political direction, positioned as it is between an expanding European Union to the west and Russia and the Ukraine to the east. It is, however, the internal conflicts that took place in the early 1990s in the Gagauz and Transdniestrian regions of the country that have impeded transition and reform to the greatest degree. Indeed, while a political agreement has since been reached on the autonomy of Gagauz Yeri, settlement of the conflict in Transdniestria has proved elusive. As a result, a politically separate entity, the 'Dniestrian Moldovan Republic' (DMR), endowed with its own armed forces and a functioning government administration has now been established within Moldova's internationally recognised borders for most of the post-soviet period.

Failure to resolve the Transdniestrian conflict has meant that questions surrounding SALW and security provision have become highly politicised issues for all parties to the conflict. The security sector reform agenda, together with that of SALW control, has consequently suffered in the face of low transparency and high levels of distrust between the Moldovan Government in Chişinău and the Transdniestrian authorities. Further, until very recently the international community as a whole has paid much less attention to political and economic transition in Moldova than in other post-soviet republics. The EU's increased engagement in Moldova from early 2005 onwards, spurred by the organisation's eastward expansion, has proved a welcome exception to this pattern. Under these circumstances Moldova has a unique opportunity at the present time to tackle both the SALW control challenges it faces and many of their underlying causes. These challenges are summarised below in combination with other important research findings:

Total SALW holdings in Moldova

- Based on information gathered from a wide variety of sources, it is estimated that the total number of SALW currently held by all actors and agencies in Moldova, including Transdniestria and Gagauz Yeri, is as follows:¹

HOLDER	MOLDOVA (CHISNAU GOVT, INCLUDING GAGAUZ YERI)		TRANSDNIESTRA		TOTAL
	LEGAL	ILLICIT	LEGAL	ILLICIT	
Armed Forces	30,241		122,700		152,941
Ministry of Internal Affairs	14,060				14,060
Other Government Departments	6,724				6,724
Russian Forces			2,300 (minimum)		2,300
Civilians	55,613	53,000	4,694	Unknown	113,307
TOTALS	106,638	53,000	129,694	Unknown	289,322

Territory controlled by the Moldovan Government

SALW and human security

- Available data indicates that the negative impact of SALW on public health and crime levels in Moldova is low in comparison with neighbouring states in South Eastern Europe (SEE).
- The number of crimes and deaths (including homicides) involving weapons in Moldova has been steadily decreasing during the period 2000 - 2005 in line with an overall improvement in levels of public safety and effective police campaigns against organised crime.
- In spite of the reduction in armed violence, a survey of Moldovan households indicates that armed crime, particularly robbery, is a serious concern for the general public.
- Public trust in the police is low – almost 50% of the population would hesitate before reporting a crime to the police, while a large minority of the population (27%) continue to seek primary assistance from relatives, friends and families, or attempt to solve crimes themselves.
- Engagement by civil society and reporting by the media on SALW and human security issues is very low. This is partly due to a lack of financial assistance and partly due to a low level of understanding of the topic.

Distribution of SALW

- Moldova continues to be heavily militarised, with a range of military units armed with SALW operating on both sides of the River Dniestr, (an estimated 106,638 weapons in the case of the internationally-recognised Government of Moldova).
- There are only 50,578 weapons registered to individuals (1.6 per 100 citizens) and rates of licit SALW possession are low in Moldova in comparison to neighbouring states (14.7 per 100 in Serbia and Montenegro, and 2.1 per 100 in Albania). It is estimated that for every registered weapon in Moldova there is at least one unregistered weapon, most of which are in the hands of non-criminal actors.

¹ Illicit weapon holdings are estimates calculated using the findings of a household survey conducted as part of this research (Error Margin 2.5% at a Confidence Level of 95%).

- Civilian weapon ownership in Moldova is on the increase and while the majority of the weapons in legal civilian possession are hunting-style weapons, there is a trend towards increased ownership of weapons for self-defence, such as pistols.
- In addition to civilians, the Moldovan private security sector is an important user of SALW. This is particularly true of the so-called 'internal security divisions' (armed units within businesses), which account for the bulk of weapons held by private security providers.

International transfers and trafficking

- According to the Moldovan Government, Moldova is not involved in the production or direct export of arms, munitions or dual use goods and technologies. The country does, however, facilitate indirect arms transfers, including shipping, brokering, transit and re-exports.
- Approximately 2,000 weapons are imported into Moldova for civilian use every year. Importation of SALW for use by the Moldovan security services since 2002 has been restricted to ammunition and a small quantity of specialist weaponry.
- It is unclear whether any Moldovan citizens or organisations are engaged in legal international arms brokering activities.
- There is no evidence of any substantial arms trafficking into or from the territory controlled by the internationally recognised Government of Moldova.

Legislation and regulation

International transfer controls

- The Moldovan Ministry of Economy and Commerce maintains a dual-use goods list that is consistent with EU standards and therefore provides an excellent basis for guiding appropriate decision-making in this field.
- The current legal framework governing transfers of arms and dual use goods has inadequate provisions covering transshipment, licensed production and all forms of brokering. For example, although the legislation contains a reference to extra-territorial control of brokers, the law does not provide a mechanism for fulfilling this requirement.
- As no public information is available on the criteria by which Moldovan state agencies assess applications to make international arms transfers, it is difficult to judge to what degree these decisions correspond with international best practice.
- The arms transfer control system has no mechanism to provide Parliament or the general public with meaningful opportunities to independently scrutinise government policy and practice in this area.

Domestic SALW control

- Although the Moldovan Ministry of Internal Affairs has stated its intention to improve the current regulations for domestic SALW control, the present regulatory system has several important deficiencies:
 - Those applying for permits to own weapons for self-defence are not required to present evidence of a threat to themselves or their property.
 - No waiting period is necessary to buy a weapon.
 - There is a lack of clarity as to the precise types of weapons that civilians may and may not own, and the circumstances under which civilians may use weapons for self-defence.
 - Those seeking a permit to own weapons are not required in law to present evidence that they have passed a national weapon handling training course as part of the application process.
 - While robust mechanisms are in place to check that registered weapons correspond with legal requirements, the lack of a legal framework for seizure of sub-standard weapons undermines them.

- Since 2003 strict new regulations have governed the conduct of private security companies. However, many firms complain that the new law has over-regulated the private security industry and forced many companies 'underground'.
- Private security company resources (e.g. personnel and vehicles) are used on an ad hoc basis by the police service, creating the potential for confusion among the public as to the roles and responsibilities of both.
- There is a conflict of interest in the operations of the national State Guard Service, since the Service both provides guarding services and is also responsible for regulating the private security industry.
- The present legislation does not fully regulate the operations of so-called 'internal security divisions' (armed units within businesses). It is unclear how they are licensed, what procedures they have to follow for obtaining weapon licences, or how they are regulated.

State capacity

- The Ministry of Internal Affairs has developed robust internal SALW control arrangements, with the Department for Public Order registering weapons, the Department for Criminology registering and testing ballistics, the Department for Information storing information and the Police enforcing relevant legislation.
- The Ministry of Internal Affairs' Directorate for Technical Criminology has compiled a database of ballistic 'fingerprints' for most weapons in Moldova and, resources permitting, plans to complete this project. Even in its present form however the existing system is the most advanced in the region.
- Moldova's membership of INTERPOL is advantageous to cross-border SALW control. However, this relationship cannot be fully exploited because the Ministry of Internal Affairs does not have adequate systems for conducting effective and timely information exchanges between the INTERPOL bureau and other departments.
- Law enforcement officers receive a high level of technical training on the use of weapons. There are however two outstanding concerns with the training regime:
 - The system for police training allows new recruits who fail weapon-training tests to graduate as police officers. Since all officers are permitted to carry a weapon, there exists the potential for under-qualified police officers to carry and use weapons.
 - Police procedures for the use of weapons do not formally enshrine the requirement that they be used only as a last resort after the graduated use of alternative methods of restraint, an approach that is not in keeping with international best practice.

Inter-agency co-ordination

- There is a high degree of willingness amongst staff in most law enforcement departments to improve their co-ordination and information exchange with other departments, and awareness that, despite resource shortages, this is necessary.
- Co-ordination between the various government ministries and agencies that should collectively work to solve Moldova's SALW control problems has been historically poor, both at the level of policy and operations:
 - Information sharing among the main departments in the Ministry of Internal Affairs is far from optimal. In the absence of a system for sharing information between departments, officials must put in a formal request for data held by other departments and await a response, a process that often takes several months.
 - On many occasions, co-ordination and information sharing between the various ministries on SALW control has also been poor.
 - There is no overall strategy guiding the work of government ministries and departments on SALW control.
 - No over-arching structure exists within government to guide policy development, oversee its implementation and co-ordinate the work of different ministries and departments.

- The border guard and customs services cooperate reasonably effectively on intercepting trafficked weapons and regulating the legal SALW trade, but planning and information exchange occurs only as the situation requires and there is no agreed model or framework for this cooperation.
- There is at present no centralised electronic database to record and categorise all weapons in the country and enter them into the State Arms Registry. Such a database would enable up-to-the-minute information on weapons holdings and distribution in Moldova to be accessed by relevant stakeholders.

Transparency

- Levels of transparency within government ministries on topics relating to SALW vary widely:
 - While departments within the Ministry of Internal Affairs, Border and Customs Services are more transparent in many respects than those in neighbouring states regarding SALW issues, the Ministry of Defence exhibited very low levels of co-operation in the production of this Survey.
 - Reporting on arms transfers is fragmented and insufficiently transparent because Moldova has two parallel but distinct transfer control systems, which involve separate reporting paths, one within the Ministry of Internal Affairs, the other within the Ministry of Economy and Commerce.
 - Significant data on officially sanctioned transfers of SALW from Moldovan territory in 2004 and 2005 (that did not pass through Transdnistria) has been withheld by the Moldovan Government and not reported internationally on grounds of state secrecy.
 - Information on the companies licensed to transfer arms, dual use goods and technologies and components is not publicly available.
 - No information is publicly accessible on the number of surplus SALW currently held in the armed force's storage depots.
- Limited disclosure of information by the Government of Moldova relating to international arms transfers, coupled with valid concerns about past practice, has left international observers uncertain as to whether Moldova is able to implement and enforce its rhetorical commitments to uphold the best international standards on arms transfers.
- Cooperation and information exchange with regional and international organisations is however much improved in comparison with previous years, with regular submissions now being made to organisations such as the UN, OSCE and INTERPOL.

Gagauz Yeri Autonomous Region

- In most respects, it appears that the SALW situation in Gagauz Yeri is very similar to that in the rest of the country, that renewed confrontation between the Autonomous Region and the Moldovan Government in Chişinău is unlikely and that there is no great need for distinct SALW control interventions.
- However, the level of unregistered weapons to registered weapons ratio is higher than in the rest of Moldova, due to a combination of continued mistrust in the police and the perception that weapons might be needed in any future return to conflict.
- Poaching appears to be a greater problem than in the rest of Moldova.

Transdnistria and the Security Zone

SALW and human security

- The overall impact of SALW appears low in Transdnistria, with the exception of higher than average per capita weapon injury rates for the region.

- Civilians living in the Security Zone have lower levels of personal security than in the rest of Moldova and basic policing services are not available throughout the whole of the Security Zone. The lack of policing capacity is compounded by the fact that the Joint Peacekeeping Forces do not have an overt policing function.
- The Russian Federation continues to maintain an unknown number of SALW and munitions on the territory controlled by the Transdniestrian authorities. The continued presence of these stocks, many of which are a hazard to the environment and public health because of their poor condition, also ensure that tensions between the Moldovan Government and the Transdniestrian authorities remain high.
- While there have been no armed clashes in the Security Zone since 1992, the area remains tense, with occasional confrontations between the Transdniestrian militia and Moldovan police.
- Despite ongoing tensions in the Security Zone, Moldovan police and Transdniestrian militia personnel operating there are poorly equipped to contain outbreaks of violence since they receive no specialist training in peace-keeping or community based policing (CBP).
- Non-governmental organisations and journalists in Transdniestria are both unwilling and unable to engage meaningfully on arms and security issues.
- Latent insecurity in Transdniestria and the Security Zone has had negative social and economic consequences, contributing to a dramatic de-population in the area since 1991.

Distribution of SALW

- The territory under the control of the Transdniestrian authorities is highly militarised with an estimated 122,700 weapons in use by security agencies, mostly located in the Security Zone.
- According to information provided by the Transdniestrian authorities, only 4,250 weapons have been registered to individuals on the territory under their control. Further, the number of illicit weapons in the region is unknown. Those illicit weapons that are still in circulation predominantly originate from the period of armed conflict at the beginning of 1992 and their number has been substantially reduced in comparison with previous years.

International transfers and trafficking

- Evidence for the illicit production and trafficking of weapons into and from Transdniestria has in the past been exaggerated. While trafficking of SALW from the territory controlled by the Transdniestrian authorities is likely to have occurred prior to 2001, there is no reliable evidence that this still occurs. The same holds true for the production of SALW, which is likely to have been carried out in the 1990s primarily to equip the Transdniestrian security forces.

Legislation and regulation

- Despite its unrecognised status, the Transdniestrian authorities regulate the use and possession of SALW according to their own internal laws and procedures. There are, however, no legal provisions for the international transfer of arms.

Transparency

- While the Transdniestrian authorities have a history of low transparency on SALW issues, attitudes may be changing, as evidenced by good levels of co-operation in some areas during the research for this report. High levels of secrecy on arms and security issues in the past have however had negative repercussions. For example, the denial of full access to international monitors wishing to investigate allegations of illicit SALW production by the Transdniestrian authorities has reinforced negative perceptions of the Transdniestrian regime.

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SALW Survey of Moldova

1 Introduction

1.1 Scope

This report represents the findings of a Small Arms and Light Weapons (SALW) Survey of Moldova. The Survey was conducted in accordance with the SALW Survey Protocols, a set of guidelines developed by the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) and the Small Arms Survey.¹ These guidelines determined the scope, method and objectives of the research, covering four broad areas:

- **Small Arms Distribution Survey (SADS)**, which investigates the distribution of SALW across Moldova.
- **Small Arms Impact Survey (SAIS)**, which examines the impact of SALW on the human environment, specifically by looking at armed crime and the impact on individuals, communities and the state.
- **Small Arms Perception Survey (SAPS)**, which assesses the views of the public towards SALW in their communities.
- **Small Arms Capacity Survey (SACS)**, which examines the capacity of institutions for dealing with SALW problems.

1.2 Methodology

The constitutional and conflict dynamic in Moldova has made researching SALW issues complex and has informed both the research methodology and composition of the present study, which is divided into three sections that analyse the respective SALW situations in: 1) the territory controlled by the Moldovan Government (Sections 3 - 6); 2) the Gagauz Yeri autonomous region (hereafter 'Gagauz Yeri', Section 7); and 3) the territory comprising the politically separate geographic entity, the 'Dniestrian Moldovan Republic' (DMR, hereafter 'Transnistria'),² as well as the jointly administered Security Zone that divides this entity from the rest of Moldova (Sections 8-10). Due to the importance of Ukraine in Moldova's SALW control dynamics, attention has also been paid to the capacity of Ukrainian state agencies to control SALW transfers across the Ukraine-Moldova border. This format, and the research that has been undertaken by the Survey team into Transnistrian SALW control legislation and the capacity to implement this legislation, does not in any way support or contest the legality of the administration in Transnistria, or its various institutions (hereafter the Transnistrian authorities), but simply reflects SALW control realities on the ground – whereby the Moldovan Government in Chişinău is unable to unilaterally administer SALW control in Transnistria and the Security Zone.

The research for this Survey was undertaken during a four-month period, from September 2005 to January 2006. A number of different methods were used to gather information for this report and these methods varied across the three component sections. The main methods are shown in Box 1. A process of consultation with government on the findings was initiated in mid-December 2005 to inform the process of developing a comprehensive response to the SALW problem in Moldova.³

¹ See <http://www.seesac.org/resources/surveyprotocols.htm>

² Transnistria is referred to as the 'Republica Moldoveneasca Nistreana' ('Dniestrian Moldovan Republic' – DMR) in Moldova and the 'Pridnestrovskaya Moldovskaya Respublika' (PMR) in Transnistria.

³ Only relevant footnotes are referenced in the report, and a full list of sources is available from Saferworld on request. The bibliography has also been omitted from the final report, as much of it is referenced in the footnotes.



Box 1: Methodology

- **National Household Survey (HHS).** A nationwide household survey (excluding Transnistria) was carried out in both Russian and Romanian from 01–14 October 2005, capturing 1,518 respondents (42% female, 58% male), with an error margin of 2.5%. A multi-staged random cluster sample was used for the Survey, drawing on the number of households in 12 regions. The HHS was weighted in order to allow for analysis of Gagauz Yeri. An English translation of the household survey questionnaire, selected data tables and data files are available online from the Saferworld website. Transnistria was excluded as the Survey team was not able to identify viable partners who would be able to conduct an HHS in the region.
- **Key Informant Interviews (KII).** More than 90 key informants were interviewed by the researchers. They included staff from the key national SALW control agencies within the Ministries of Defence, Economy and Commerce, Interior, and Foreign Affairs; representatives from the Transnistrian authorities; representatives from Gagauz Yeri; officials from the Ukrainian Government; employees from international organisations; a number of journalists and non-governmental activists working within the country, in Ukraine and regionally; police; academics; serving and retired personnel from the armed forces and police; employees of security companies; refugees; IDPs; and war veterans.
- **Focus Group Discussions.** Six focus group discussions were carried out around the country in the period 16–24 October 2005 with a total of 50 participants (see Annex D).
- **Media monitoring and desk research.** In addition to research reports available on the subject in Moldovan, Russian and English, media monitoring of five Moldovan newspapers and one Transnistrian newspaper was conducted during the period January 2003 to October 2005 (see Section 6.4).
- **Official statistics.** While a substantial amount of the data included in this report was generated during the given research period, official statistics, whether from government ministries, hospitals or independent bodies, were an important information source.
- **Transnistria and the Security Zone.** Additional information on the SALW situation on the left bank of the river Dniestr was gained from six extended interviews with civil society actors in Transnistria (three female, three male – see Annex E).

2 Overall SALW context

Proper analysis of the SALW situation within Moldova entails an understanding of two key factors: 1) the present state of transition and the pace of reform within the country and 2) Moldova's present constitutional arrangement. Both of these interrelated factors, which are explored in detail in the following two sections, have had, and will continue to have, a substantial impact on both the SALW problems faced by Moldova and the capacity of its state institutions and civil society to deal with them. These factors also determined the methodology used while conducting the present study.

2.1 Transition and pace of reform in Moldova ⁴

The transition process has been difficult for Moldova in terms of economic revival, the development of institutional capacity across the whole range of government institutions and the political direction of a newly independent Moldova. The development of these three interlinked processes has had a significant effect on the Moldovan Government's ability to fulfil its SALW control responsibilities. The transition and reform process has also been hampered by the ongoing tension in Transnistria and a previous lack of commitment to enact key reforms. Important steps have been taken since the start of 2005 to increase the pace of reform as the Moldovan Government has committed itself to both greater co-operation and engagement with Euro-Atlantic political and security structures and greater adherence to European standards of political governance and freedom of the media. The key areas of the transition process which relate to SALW are as follows:

2.1.1 Institutional capacity

In similarity to the majority of post-Soviet successor states, Moldova inherited a number of institutional deficiencies from the Soviet Socialist Republic of Moldova (SSRM), which it succeeded in 1991. As well as lacking a range of independent state institutions, such as a Ministry of Defence (MoD), armed forces, Customs Service and Border Guard Service (BGS), those state institutions that did exist (such as the Republic's Ministry of Internal Affairs, MIA) relied heavily upon the central Soviet administration in Moscow for policy formation. As a result, Moldova has had to develop institutional capacity in terms of financial and human resources across the whole range of

⁴ This section does not analyse the pace of reform of the Transnistrian authorities and on the territory under their control (see Sections 8 - 10). The reform process is examined in Section 6.



government institutions, and particularly in those with a security role, over a very short period of time. While there has been a general improvement in the administrative capacity of key government ministries, the capacity generally remains weak across government.⁵ This low institutional capacity has had a direct impact on SALW control efforts, as the relevant government departments on the whole have insufficient human and financial resources and training to fulfil some of their SALW control responsibilities.

Whilst institutional capacity has been developing, the culture of Moldovan state agencies has also been changing, with moves towards greater transparency in their operations. Attempts at creating a culture of openness have had differing levels of success in the various state agencies.

2.1.2 Economic reform

The economic reform process has also affected SALW control in Moldova. Liberalisation of Moldova's economy is still at a very early stage, with state monopolies or dominant state-controlled enterprises in a number of sectors, such as telecommunications. There exists the potential for conflicts of interests in those economic spheres where the state acts both as a regulatory body and as a competitor within the market. This tendency towards state dominance extends to both the private security sector and the domestic arms market. The State Guard Service (SGS) within the MIA offers private security services to private and state client groups as well as functioning as the regulatory body for the private security sector. The domestic arms market, in which four MIA-controlled 'state enterprises' are the only importers and traders in weapons for civilian and commercial use, operates as a state monopoly.

2.1.3 Security Sector Reform and NATO

While independent armed forces, MoD, Customs Service and BGS had to be built from scratch in the early 1990s, during the period of confrontation with the Transdniestrian regime, subsequent security sector reform (SSR) in Moldova has also been a difficult process, comprised mostly of 'periodic downsizing of the armed forces and the redistribution of tasks among the institutions and organisations responsible for national security'.⁶ The most important step in modernising the Moldovan security sector was the adoption of the 'Concept of Military Reform' by the Parliament of Moldova in July 2002. This concept places greater emphasis on 'soft' security threats, such as organised crime and smuggling activities involving drugs and weapons, rather than threats from conventional inter-state wars. The operational changes committed to in the 'Concept of Military Reform' reflect the reduced risk represented by Transdniestria and recognise the more contemporary threats posed to Moldovan society by human/drug trafficking, as well as the broad inclusion of terrorism as a perceived and largely undefined threat. SSR in Moldova has so far been severely limited by a near absence of financial resources (the Moldova military budget is the lowest of any post-Soviet state at about 0.4% of GDP) and what a number of observers consider to be an overly bureaucratic decision-making process.

The 'Concept of Military Reform' also recognises the need for improved parliamentary and civilian oversight in order to ensure greater transparency, accountability and democratic control of the security sector, in line with European standards. So far only certain measures, such as the appointment of a civilian as the present Moldovan Minister of Defence, have been taken to create a civilian command structure. Further, it is in the development of genuine and informed political oversight combined with an effective civil society and media expertise on security issues that reform is most challenging.

Since joining the Partnership for Peace (PfP) programme in March 1994, Moldova has not pursued full membership of the North Atlantic Treaty Organisation (NATO). This is in part due to Moldova's constitutional neutrality, which would have to be amended if Moldova were to enter NATO. Moldova has, nevertheless, developed a modest peacekeeping capacity and has been able to participate in a range of NATO peacekeeping missions. Moldova began negotiations on an Individual Partnership Action Plan (IPAP) with NATO in 2005 and it expects that the Plan will be signed in early 2006. The realisation of the plan should aid SSR and civilian oversight of the military. The new IPAP agreement with NATO could also include a SALW element that builds upon previous Moldovan-

⁵ *Moldova Country Profile 2005*, Economist Intelligence Unit Limited, 2005.

⁶ Greenwood, D. and Volten, P., *Security Sector Reform and Transparency-Building: Needs and Options for Ukraine and Moldova*, March 2004, The Centre of European Security Studies, Groningen, and p. 94. Also, *Jane's World Armies*, 2005.



NATO co-operation in SALW control initiatives (most notably the 2000 Memorandum of Understanding (MoU) outlining, amongst other things, co-operation on SALW destruction).

2.1.4 Co-operation with the European Union and international engagement

Co-operation between Moldova and the European Union (EU) has developed substantially since the start of 2005. A bilateral EU-Moldova European Neighbourhood Policy Action Plan, which serves as the basis for Moldova's participation in the EU's European Neighbourhood Policy (ENP), came into force in February 2005.⁷ The Action Plan identifies a number of key areas of co-operation, including: strengthening of administrative and judicial capacity; ensuring respect for freedom of expression and freedom of the media; and border management and co-operation in the fight against trafficking. Further, a delegation of the European Commission was opened in Chişinău on 06 October 2005 as a principal step in implementing the Action Plan. A European Union Special Representative (EUSR) was also appointed to Moldova on 23 March 2005. As well as deepening co-operation with Moldova and assisting in the development of the EU's policy towards Moldova, the EUSR has the specific mandate to assist in the conflict resolution process. Further, a EU Border Assistance Mission along the Ukraine-Moldova border was launched on 01 December 2005. Its main mission is to assist in the prevention of cross-border crime, through monitoring and capacity building of the Moldovan and Ukrainian border and customs services. Most recently, Moldova has been identified by the EU Council in its Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, as a priority for engagement across a range of SALW issues.

As well as these positive steps by the EU, Moldova has also made strong commitments in 2005 to deepen co-operation with Europe and to adopting European norms in key areas, such as freedom of expression and freedom of the media.⁸ In relation to SALW, the Moldovan Government has committed itself to alignment with the EU Code of Conduct on Arms Exports (1998), the EU position on the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) and the EU Council's position on a potential Arms Trade Treaty (ATT).⁹ The Moldovan Government has also stated that it hopes to negotiate an association agreement with the EU by 2007. Greater co-operation with, and participation in Euro-Atlantic institutions, along with the adoption of EU security norms, should greatly assist the transition process, particularly in developing institutional capacity and aligning Moldova with European norms of democratic governance, political oversight and transparency. While there are increasingly positive signs of movement in this direction, this process remains a fragile one in need of greater financial and political support.

Although the recent moves by Moldova towards closer co-operation with the EU and transatlantic structures are encouraging for SALW control initiatives, and build upon Moldova's commitment to SALW control as part of the Stability Pact for South Eastern Europe's Regional Implementation Plan (RIP) for Combating the Proliferation of SALW, Moldova continues to suffer from SALW control capacity challenges in areas such as domestic and arms transfer controls, and security-related transparency and oversight mechanisms (see the 'Small Arms Capacity Survey').

In order to address these challenges it is important that the international community engages fully with the Moldovan Government and civil society. Indeed, Moldova has been largely overlooked by much of the international community in recent years and it is only very recently that the EU and European states have taken a more involved interest in Moldova's transition and conflict management/resolution processes. Even now, the level of international assistance received by Moldova is considerably lower than that received by other Former Soviet Union (FSU) states, such as Georgia. This lack of international engagement has been especially pronounced regarding the Transdniestrian conflict-settlement and demilitarisation processes. The comparative lack of

⁷ This built upon the EU-Moldova Partnership and Co-operation Agreement (PCA) with the EU, which came into force in July 1998 (signed 28 November 1994). http://europa.eu.int/comm/external_relations/ceeca/pca/pca_moldova.pdf, accessed 25 October 2005. The PCA establishes the 'institutional framework of bilateral relations' between the EU and Moldova and covers such areas as trade and economic co-operation, justice and home affairs, customs and cross-border co-operation.

⁸ For example see 'Government Lists European Integration, Ties with NATO', SEEurope.net/ Itar-Tass, 24 June 2005.

⁹ Comments at 'Inter-ministerial roundtable to review initial findings of the national small arms and light weapons (SALW) survey of Moldova', 15 December 2005, Chişinău; Survey team interviews Chişinău; Statement at the Biennial Meeting of States to review the implementation of the UN PoA <http://www.un.org/events/smallarms2006/pdf/Amb%20Auer%20-%20Austria%20on%20behalf%20of%20EU%20-%20Cluster%20I%20-%20Development.pdf>, accessed 20 December 2005; Declaration at Workshop on *Global Principles for International Arms Transfers: Developing the UN Programme of Action and an Arms Trade Treaty*, Helsinki (Finland), 10 - 11 November 2005.



attention given to supporting and stabilising Moldova reflects the fact that Moldova does not hold the strategic importance of some other FSU states. Therefore, whilst the conflict is often viewed as ‘frozen’, due to the inability of the Moldovan Government and Transdniestrian authorities to reach an accord, some analysts have preferred to describe Moldova as having been ‘left out in the cold’¹⁰ by the international community.

2.2 Constitutional arrangement

Moldova’s present constitutional arrangement probably represents the most important factor influencing the transition and pace of reform with the country. This is especially evident regarding SALW control and SSR in general. Moldova became independent from the Union of Soviet Socialist Republics (USSR) in 1991. Since independence, Moldova has experienced two internal conflicts of varying intensity, in Gagauz Yeri and Transdniestria, which have directly affected not only the distribution and impact of SALW in Moldova but also, in the case of Transdniestria, the capacity of the Moldovan Government to administer SALW issues throughout the whole of the internationally recognised territory of Moldova. The following sections summarise the present situation in Gagauz Yeri and Transdniestria and the Security Zone and also outlines the key impacts that this constitutional arrangement has had on SALW control within the country as a whole.

2.2.1 Gagauz Yeri

Gagauz Yeri, an area in the South-East of Moldova that incorporates some 160,000 Turkic-speaking Orthodox Christians, was granted an autonomous status in December 1994 following a period of brief armed tension, during which an independent ‘Republic of Gagauzia’ was declared.¹¹ In the period 1991-1994, there was a degree of arms proliferation in the region as the ‘Bugeac Battalion’, a self-defence force of some 600 paramilitaries was established to protect the ‘Republic of Gagauzia’, and Moldovan and Gagauz civilians armed themselves.¹²

As part of the agreement bestowing the Gagauz region with autonomous status, Gagauz Yeri has an elected governor (or *Bashkan*) and legislative body (*Halc Toplosu*), a separate budget and has legislative control over the fields of education, culture, public and social services and local development. The former members of the ‘Bugeac Battalion’ were incorporated into the MIA Carabineer, as ‘Military Unit 1045’,¹³ and Gagauz Yeri’s government shares security policy, including SALW control issues, with the Moldovan Government in Chişinău. Both the Chief of the Department of National Security and the Department of Internal Affairs of Gagauz Yeri are appointed by the Moldovan authorities on the recommendation of the *Bashkan*. The local Gagauz authorities are responsible for the operations of the police commissariat in Gagauz Yeri while the Carabineer fall under the jurisdiction of the Ministry of Interior (MIA) in Chişinău.

It has been argued that problems persist regarding the implementation of Gagauz Yeri’s autonomous status, as the Moldovan Government in Chişinău and the Gagauz authorities have not yet managed to comprehensively define their respective roles and responsibilities or the nature of Gagauzian autonomy.¹⁴ One aim of this study is to assess whether SALW distribution, impacts and control issues in Gagauz Yeri reflect those experienced in the rest of Moldova (excluding the territory under the control of the Transdniestrian authorities), or whether Gagauz Yeri exhibits distinct SALW dynamics resulting from its particular history and constitutional status that warrant distinct SALW control measures.

¹⁰ OSCE Mission to Moldova.

¹¹ The ‘Law on the Special Legal Status of Gagauzia’ (No. 344-XIII.) was adopted by Parliament on 23 December 1994 (Monitorul Oficial al Republicii Moldova, January 14, 1995). On 25 July 2003, the Parliament of the Republic of Moldova passed a law, which amended the Moldovan Constitution to grant Gagauz Yeri constitutional status. The amendment entitled the Gagauz People’s Assembly to legislative initiative, a right enjoyed by the Moldovan Parliament, Government and President. ‘Parliament Granted Gagauzian Autonomy Constitutional Status’, *Infotag*, Moldova Azi, 25 July 2003. The Gagauz authorities declared the Gagauz Soviet Socialist Republic to be a sovereign state on 19 August 1990.

¹² The Bugeac Battalion was operational in the period 1990-1994. Mackinlay, J. and Cross, P. (eds.), *Regional Peacekeepers – The Paradox of Russian Peacekeeping*, 2003, United Nations University Press, Tokyo/ New York/ Paris.

¹³ *Op cit*, Mackinlay, J. and Cross, P. (eds.).

¹⁴ Vaux, T. et al, *Conflicting Interests: Moldova and the impact of Transdniestria*, 2002, Humanitarian Initiatives. There have been accusations that the central authorities are trying to undermine Gagauzian autonomy. ‘Moldovan Gagauz Opposition Leader Cries Government Pressure’ BBC Monitoring Service, 17 April 2004; ‘Trouble Brewing In Moldova’s Gagauz Autonomy’, Jamestown Foundation (Vol 8/Issue 52), 14 March 2002.



2.2.2 Transdniestria and the Security Zone

Transdniestria, which encompasses the majority of the territory between the left bank of the river Dniestr and Moldova's border with Ukraine and has joint control with the Moldovan Government over the right-bank city of Bender/Teghina, has had *de facto* independence since the ceasefire agreement that ended the brief period of conflict in 1992.¹⁵ During this period Transdniestria has developed parallel security structures, including a standing army, a police force, Special Forces, a border guard service and a customs service, as well as a range of administrative institutions. The ceasefire between the Transdniestrian and Moldovan armed forces is maintained by a Security Zone¹⁶ on both sides of the river Dniestr and a tripartite Joint Peace Keeping Force (JPKF) comprised of Russian, Moldovan and Transdniestrian battalions. A Joint Control Commission (JCC), also comprised of Russian, Transdniestrian and Moldovan representatives, administers the operations of the JPKF within the Security Zone. The ceasefire is further monitored by military observers from the three countries comprising the JPKF as well as from Ukraine and the OSCE Mission.

Even though this arrangement has ensured that there has been no direct military engagement between the two sides since 1992, the situation inside Transdniestria and the Security Zone remains tense (see Section 9.1.3). The failure of the various settlement initiatives¹⁷ to resolve the conflict has also meant that Moldova's future constitutional arrangement remains unclear. The lack of a constitutional resolution has, in turn, had a direct impact on SALW control within Moldova.

Firstly, it has meant that Moldova continues to be heavily militarised, with a range of military units armed with SALW operating on both sides of the river Dniestr. This is compounded by the fact that an unknown number of weapons went into civilian possession in Transdniestria and the Security Zone during the conflict period.

Secondly, domestic SALW licensing and control within Moldova is directly affected by the lack of a comprehensive peace settlement. While the Moldovan Government in Chişinău has legal responsibility for SALW control across the entire internationally recognised territory of Moldova, there are in effect two parallel administrations, in Chişinău and Tiraspol, presently co-ordinating SALW control on the territories under their respective control. The Moldovan Government is, consequently, unable to exercise its SALW control responsibilities across its entire internationally recognised territory.

Thirdly, Moldova has still not managed to establish effective control over the full extent of its international borders, with the Transdniestrian authorities controlling a 435 km stretch of the Ukraine-Moldova border.¹⁸ This is compounded by the existence of a *de facto* internal border between the territory controlled by the Moldovan Government in Chişinău and that controlled by the Transdniestrian authorities. The Moldovan BGS is not mandated to patrol this area, as it is not an international border, while the Customs Service operates a limited number of checkpoints. The internal border, therefore, provides a potential passage for SALW (and other illicit commodities) to enter Moldovan Government-controlled territory both from Transdniestria and abroad, while the lack of control of the external border provides a potential route for trafficking out of the country (see Section 3.3.4.4). This fact has internationalised SALW control issues in Moldova with Ukrainian state agencies and local authorities in the Odessa region, which borders Transdniestria, consequently becoming important SALW control agencies for Moldova. It has further undermined Moldova's commitment under international law to ensure that activities within its internationally recognised borders do not have a destabilising effect on other states.¹⁹

¹⁵ Agreement 'O printsipakh mirnogo uregulirovaniya konflikta v pridnestrovskom regione respubliki Moldova', signed 21 July 1992 by President Mircea Snegur of the Republic of Moldova and President Boris Yeltsin of the Russian Federation. For further analysis of reasons for the conflict and the conflict period itself see: *Moldova: No Quick Fix*, ICG Europe Report No. 147, 2003, Chişinău/ Brussels.

¹⁶ The final area of the Security Zone was fixed by the Joint Control Commission in 1992 and has an overall length of 225 km and varies in width (across the Dniestr) between four and 15 km. *Op cit*, Mackinlay, J. and Cross, P. (eds.).

¹⁷ Conflict settlement negotiations only recently restarted on 27 October 2005. The process has stalled during the 'schools crisis' in the summer of 2004, when the Transdniestrian authorities attempted to close a number of schools in the Security Zone that teach in the Moldovan language. The new negotiation format for the first time includes EU and US observers and will discuss a range of plans, including a Russian plan and that presented by Yushenko at Chişinău GUAM conference. For further analysis of the various conflict-settlement initiatives see: *Moldova: No Quick Fix*, ICG Europe Report No. 147, (2003) Chişinău/ Brussels; *Moldova: Regional Tensions over Transdniestria*, ICG Report No. 157, (2004) Chişinău/ Brussels.

¹⁸ All figures for border measurements used in the present Survey were provided by the Border Guard Service.

¹⁹ There are indications that parts of the Ukraine - Moldova border have directly suffered from the trafficking of weapons into and out of Moldova (see Section 3.3.4.4).



Further, there are a significant number of actors engaged in SALW control on the internationally recognised territory of Moldova. While there is no conflict settlement, SALW control within the Security Zone is implemented by the JPKF and the JCC in conjunction with the Moldovan government and Transnistrian authorities. In addition, the Operational Group of Russian Forces (OGRF) plays a crucial SALW control role in Transdniestria and the Security Zone, both as a guarantor of the still substantial stockpiles of Russian weapons and ammunition and as a participant in the tripartite JPKF. Consequently, as a result of the lack of a constitutional resolution, it can be argued that there exist four distinct SALW control authorities on the internationally recognised territory of Moldova (Moldovan Government, Transnistrian authorities, JCC and OGRF), as well as the permanent international presence of the OSCE Mission in Moldova. Co-ordinating SALW control among actors with different, capabilities, mandates and priorities can naturally present certain difficulties.

Due to the ongoing political and military standoff between the Moldovan Government and the Transnistrian authorities, SALW control remains a heavily politicised issue. The military structures of both Moldova and the Transnistrian authorities are reticent regarding their military SALW holdings, in identifying surplus SALW and devising SALW destruction programmes, as information on military holdings is considered a military secret. As a result, there is a lack of transparency regarding SALW issues amongst both the Moldovan Government and the Transnistrian authorities. While not an uncommon attitude in post-conflict areas, low transparency on SALW issues helps perpetuate mistrust between the two sides, reduces the possibility of effective destruction programmes and, consequently, ensures that an unnecessary amount of old and ageing weapons and ammunition remain in Moldova.

Lastly, the withdrawal and destruction of the remaining Russian stockpiles and the withdrawal of the non-peacekeeping Russian forces in Transdniestria has become tied to the conflict-settlement process. Although these two processes are separate, they have been politically linked by both the Moldovan Government and the Transnistrian authorities. This is because the continued presence of the OGRF stockpiles and the Russian troops that guard them is still perceived by the Transnistrian authorities as a security guarantee against perceived threats from the Moldovan armed forces, and as undermining Moldova's sovereignty by the Moldovan Government in Chişinău. Although Russia's agreement to withdraw its remaining military capacity from Moldova at the OSCE Istanbul Summit in 1999 was an important step in separating these two processes, the lack of progress to date in implementing this commitment, and subsequent insistence that future withdrawals are tied to the 'correct conditions' being in place at the Porto Summit 2002, has done much to re-link the two processes.



Territory controlled by the Moldovan Government

3 Small Arms Distribution Survey

3.1 Overall distribution

This Survey estimates that as of November 2005, there were over 159,638 weapons in the territory controlled by the Moldovan Government. Of them:

- 50,578 weapons were in the legal possession of individual citizens.
- 5,035 weapons were in the legal possession of legal entities, including private security companies.
- 51,025 weapons were in the hands of the state authorities.
- And at least 53,000 were in the illegal possession of individual citizens.

The methodology for these estimates, their margin of error, and a more detailed breakdown of the distribution of weapons in each category is provided in the following sections (Section 3.2.1, 'Civilian weapons'; Section 3.2.2, 'State SALW holdings'; and Section 3.3, 'Illegal SALW').

3.2 Legal SALW

3.2.1 Civilian weapons

According to the Department of Public Order (DoPO) of the MIA, as of November 2005 there were a total of 55,613 legal weapons in private ownership across the Moldovan Government-controlled territory. This figure includes both those weapons registered to individuals and those registered to legal entities. With a population of 3,386,000²⁰ (excluding Transdniestria and the municipality of Bender/Teghina) this means that Moldova has approximately 1.6 registered weapons per 100 people. As such, Moldova's per capita legal weapon ownership is lower than any other South Eastern European country and is well below the EU 15 average:

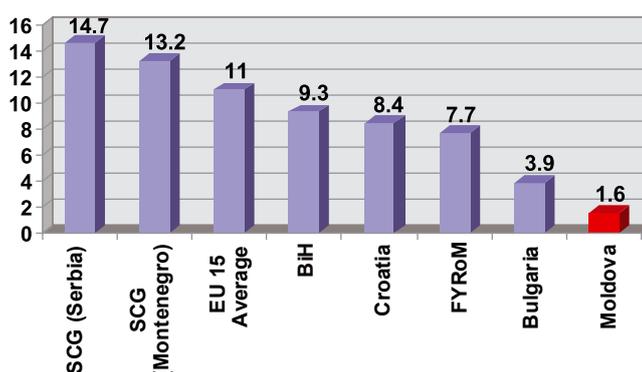


Figure 1: Registered weapons per 100 people²¹

²⁰ Population Census 05 October 2004. <http://www.statistica.md/recensamint.php?lang=ru>, accessed 20 October 2005.

²¹ Estimates taken from most recent SALW Survey in each country. These Surveys can be found at www.seesac.org. The population figures reflect the census most recent to each study. The EU 15 Average from Small Arms Survey 2003.

COUNTRY	CIVILIAN WEAPONS	POPULATION	CIVILIAN WEAPONS / 100 PERSONS
Bosnia and Herzegovina	353,000	3,800,000	9.3
Bulgaria	305,624	-	3.9
Croatia	379,000+	4,500,000	8.4
FYR Macedonia	155,996	2,022,547	7.7
Moldova	55,613	3,386,000	1.6
SCG (Montenegro)	86,000	650,575	13.2
SCG (Serbia)	1,103,300	7,498,001	14.7
EU 15 Average	-	-	11.0

Table 1: Registered weapons per 100 citizens in South Eastern Europe

The 55,613 legally registered civilian weapons are owned by two different groups – individual Moldovan citizens and legal entities (companies) registered in Moldova. Of the total, 50,578 weapons are registered to individual civilians, while 5,035 weapons are registered to legal entities. This means that approximately 91% of all legal weapons in private possession are owned by individual citizens, while approximately 9% are registered to legal entities.

3.2.1.1 Weapons owned by individuals

According to the Moldovan MIA, as of November 2005 there were 45,243 individual licensed gun owners in the territory controlled by the Moldovan Government holding 50,578 registered weapons between them. This means that there are approximately:

- 1.5 individually registered weapons per 100 people.
- 1.3 licensed weapon owners per 100 people.
- 1.1 weapons are registered to each licensed weapon owner.

3.2.1.2 Type of weapon owned by individuals

Although the DoPO did not provide the Survey team with a detailed breakdown of weapons ownership by type it did distinguish between ownership of smooth bore weapons – 31,828 (63%), rifled weapons – 10,990 (22%), and pneumatic weapons – 7,760 (15%).

In Moldova, civilians are either issued with licences for smooth bore weapons by the police, or for rifled weapons by the DoPO (see Section 6.1.3). Long-barrelled hunting weapons represent the vast majority of smooth bores, while rifled weapons are divided between pistols and revolvers (for self-protection) and long-barrelled rifles or carbines for protection or hunting purposes. This distribution picture is supported by interviews conducted by the Survey team. All respondents stated that hunting rifles comprise the majority of weapons in civilian possession, followed by pistols and revolvers. The majority of those interviewed agreed that about 70% of all individually owned weapons in Moldovan Government-controlled territory are hunting rifles (63% of which are smooth bore, while the remaining 7% are rifled). However, not all smooth bored hunting rifles are kept for hunting purposes. In order to hunt, each weapon owner also needs to be a member of the Hunting and Fishing Association of Moldova (HFAM). Without this membership, smooth bored hunting weapons can only be kept at home for self-defence purposes.



3.2.1.3 Distribution of weapons owned by individuals

Although the DoPO was able to provide a breakdown registered weapon owners by sex (96% male, 4% female), no further demographic detail was made available. However, all interviewees stated that the majority of weapon owners are hunters and businessmen, in that order.

Responses to the HHS can also be used as a good indicator of weapon distribution. The percentage of respondents from the highest wage bracket stating that they had a weapon at home is greater than the percentage of respondents from the middle and lower wage brackets. Similarly, ownership levels amongst those with a higher level of education appear to be greater than that amongst sectors of society with less formal education:

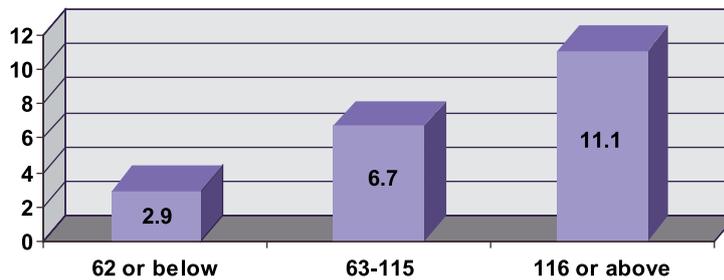


Figure 2: Positive responses to the question 'Do you have a firearm at home?' (by income bracket, US\$/month) (Base N = 1518)

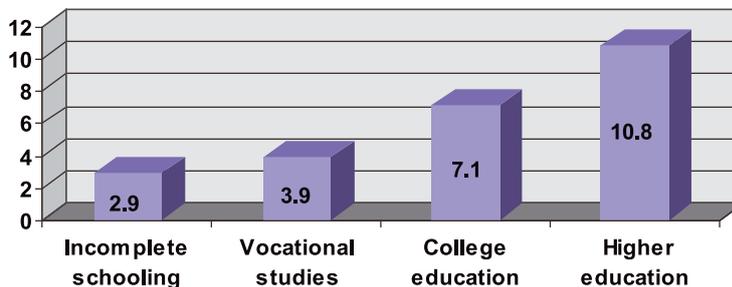


Figure 3: Positive responses to the question 'Do you have a weapon at home?' (by education) (Base N = 1518)

3.2.1.4 Trends in weapon ownership amongst individuals

Moldova experienced a 'weapons boom' for 3 - 5 years after the 'Law on Individual Arms' was passed in 1994, when a large number of weapons were bought and registered, with a second smaller boom following changes to the 'Law on Individual Arms' in 2001.²² The market is now quite mature and there have only been small increases in registered weapons since 2003:

²² Indeed prices for weapons have fallen threefold following these amendments. One bullet cost US\$ 0.7 in 2001 compared to US\$ 0.3 in 2005, while the cost of a weapon has fallen from US\$ 700 - 1000 to about US\$ 300. Interview, Oleg Ciocoi, President of the HFAM Council and Tudor Colac, Secretary of the HFAM Council.

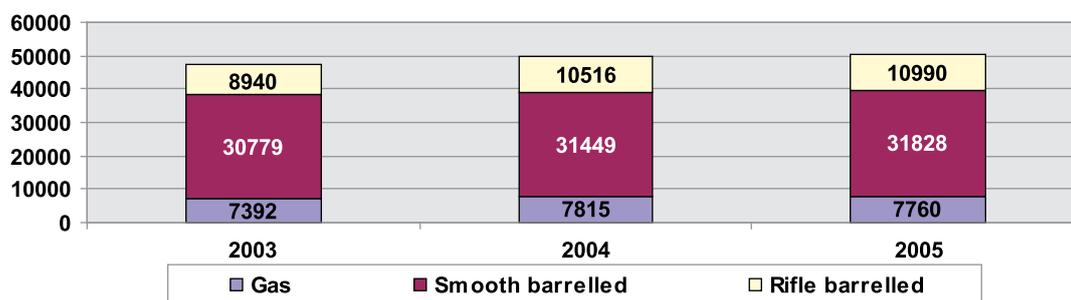


Figure 4: Firearms owned by individuals, 2003 - 2005

(Source: Ministry of Internal Affairs)

Results from the HHS and FGD seem to indicate that the legal civilian SALW market will expand as Moldova's economic situation stabilises and personal incomes rise. For example, figure 2 shows that weapon ownership appears to increase amongst respondents from the higher wage brackets. There is also the possibility that weapon ownership would increase if restrictions on weapon ownership were liberalised. For example 36% of all respondents to the HHS stated that if they or another member of their household could own a weapon legally, they would do so.

A significant change in the type of weapons owned legally is also apparent. More people are now arming themselves with pistols and revolvers for reasons of 'personal security', than are buying and registering smooth bore weapons for hunting purposes (see figure 4). In the period 2003 - 2004, 1,576 new rifled weapons were registered by individuals, while only 670 smooth bore weapons were registered. In the period 2004-2005, 474 rifled weapons were registered, while 379 smooth bore weapons were registered. This means that in 2005 rifled weapons comprised 22% of all legally owned weapons, compared to 19% in 2003. Although some of these rifled weapons will be for hunting purposes, the large majority are comprised of pistols and revolvers for self-defence purposes. This calculation is supported by the fact that a larger number of pistols and revolvers than hunting weapons are being imported into Moldova every year:

WEAPON TYPE	2001	2002	2003	2004	2005
Hunting Rifles and Shotguns	282	460	732	311	569
Pistols and Revolvers	1,828	1,783	1,547	844	1,715

Table 2: Civilian imports of hunting weapons against pistols and revolvers, 2001 - 2005

(Source: Customs Service)

One gun shop president estimated that sales from his shop were divided as follows: 30% hunting weapons (smooth bore/rifled), 10% sports weapons and 60% were weapons for self-defence.²³ This trend is also supported by results from the HHS, where those respondents who stated that they would own a weapon most frequently indicated that their main reason for doing so would be to protect themselves and their family or their property and business:

²³ Alexander Soshchenko, Director, State enterprise gun shop 'Pulbere'. While the president of the HFAM gun shop, 'Halifax-com', stated that approximately 70% of all arms sold in Moldova are smooth bore weapons for hunting purposes, his experience is probably not representative of the whole market as the HFAM gun shop mostly caters for hunters.

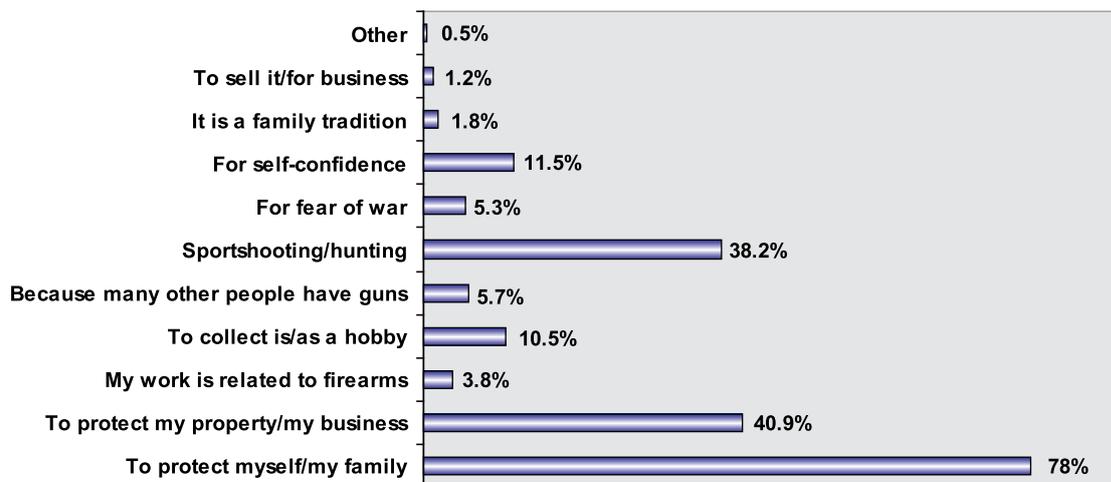


Figure 5: What are the three main reasons why you would choose to own a firearm?
(Base N = 547)

This shift in the type of weapon being owned has occurred even though government statistics show registered crime has been falling for several years (see Section 4.2). The above analysis seems to indicate that weapon ownership will increase slowly as the economy stabilises and that a larger proportion of weapon owners will own pistols and handguns for self-defence rather than long barrelled firearms for hunting.

Box 2: Ungheni – a case study in weapon ownership

The present national distribution of weapons and ownership trends were examined in more detail at the local level in the Ungheni region, which is situated on the western border of Moldova with Ukraine. In this region there are a total of 889 licensed weapons (379 in Ungheni town) in the possession of 851 individuals (327 of them in Ungheni town). With a population of 119,000 there is less than one gun per 100 people in the region – lower than the Moldovan average. Of the licensed weapon owners, 10 - 12 persons have 2 or more guns, while one individual has 5 guns (3 pistols and 2 CKC automatic weapons).

The majority of licensed weapon owners in Ungheni town are members of the HFAM. The remainder of legal weapon owners are businessmen. Other actors who are licensed to own weapons are PSCs and the internal security departments of banks and enterprises. The majority of legal guns in the surrounding villages are hunting weapons. In the region there are 152 pistols and revolvers for self-defence purposes, of which 80% are owned by businessmen; 10% by public officials; and between 5 - 6% by police and security officers. In the region, only one woman is licensed to own a weapon. Although the majority of weapons owned in the region are hunting weapons, it appears that most of the people who are presently buying weapons are doing so for self-protection and that most of these are businessmen.

3.2.1.5 Weapons owned by legal entities

In the territory controlled by the Moldovan Government, there are three main categories of businesses or 'legal entities' licensed by the state to possess weapons – Private Security Companies (PSC), Internal Security Divisions (ISD) and gun shops/firing ranges. With the exception of PSCs, information about 'legal entities' licensed to carry weapons was not freely available.

In Moldova Government-controlled territory there are 528 legal entities that hold between them 5,035 registered weapons. Of these:

- 445 weapons are registered to 31 Private Security Companies.
- Up to 4,590 weapons are registered to 490 Internal Security Divisions.
- An unknown number of weapons are registered to seven gun-shops and firing ranges.

Private Security Companies (PSC): According to DoPO data, 31 PSCs are registered to own and carry 445 weapons. This figure is low compared to the number of weapons owned by PSCs in other South Eastern European

(SEE) countries and contrasts with the perception in society that PSCs are heavily armed – 31.8% of respondents to the HHS felt that PSCs represent the part of Moldovan society, apart from the security services, in which weapons are most abundant.

Internal Security Divisions (ISD): Aside from PSCs, other private companies maintain armed ISDs. While details of only 16 commercial banks were available, independent research by the Survey team found numerous mid-size businesses employing their own armed guards. Although no official information was made available on either the number of businesses with ISDs or the number of weapons owned by them, it is possible to estimate these figures by subtracting the number of known PSCs and their weapon holdings from the total number of legal entities licensed to possess weapons and total number of weapons registered by legal entities, respectively:

TYPE OF INSTITUTION REGISTERED	LEGAL ENTITIES	REGISTERED WEAPONS
Private Security Companies	31	445
Gun Shops/Firing Ranges	7	Unknown
Other Legal Entities	490	Up to 4,590
TOTAL	528	5,035

Table 3: Legal entities with registered weapons, 2005

(Source: Ministry of Internal Affairs)

As a result it is probable that there are about 490 ISDs that could own up to 4,590 weapons (dependent on the number owned by gun-shops and firing ranges). This means that ISDs represent approximately 93% of all legal entities owning weapons, and between them control approximately 91% of all weapons owned by legal entities. The lack of clarity and transparency over the legal entities that are licensed to own and use weapons provides the potential for abuse of the current legislation.

Gun shops/firing ranges: Some legal entities licensed to own weapons are neither ISDs nor PSCs. For example, in Moldovan-Government controlled territory there are three firing ranges that own a small number of weapons as well as four 'state enterprises' that are licensed by the MIA to import and trade in weapons (see Section 6.1.5).

The Survey team observed three/four guns on display in the HFAM shop 'Halifax-com'. Halifax-com does not keep any weapons in its storerooms and usually only purchases weapons to order. One state enterprise 'Cartuş' had approximately 15 weapons on display and only five weapons in storage. Another, 'Pulbere' had a slightly higher number on display – between 20 and 25. It is not known whether the figures for weapon holdings of legal entities, provided by the MIA, include the stocks of the four gun shops.

3.2.1.6 Types of weapon owned by legal entities

While the Survey team was not provided with figures detailing the type of weapon owned by legal entities, it is known that PSCs are not permitted to use the same security equipment as the MIA police and are only permitted smooth bore long-barrelled weapons. The Survey team has, however, witnessed the use of rifled long-barrelled weapons by PSC employees. While these restrictions also apply to the majority of ISDs, those employed by banks are allowed to use high-powered military style weapons.

3.2.1.7 Trends in weapon ownership amongst legal entities

The market for weapons for PSCs and other legal entities has stabilised. For example, the gun shop Pulbere no longer receives large orders for weapons from companies (PSCs etc), as they have already acquired sufficient guns to meet their needs.²⁴ As the private security market has been highly regulated since the introduction of new legislation in 2003, it is likely that the demand for SALW from PSCs and internal security divisions will remain flat or even decrease in the future, bar any sudden change in the political, social or economic environment.

²⁴ Alexander Soshchenko, Director, State enterprise gun shop 'Pulbere'.

3.2.1.8 Geographical distribution of civilian weapons

The following table provides a breakdown of the geographical distribution of all privately owned weapons, by individuals and legal entities, in October 2005:

TERRITORIAL SUB-DIVISIONS	LICENSED LEGAL ENTITIES	WEAPONS REGISTERED TO LEGAL ENTITIES	LICENSED INDIVIDUAL CITIZENS	GAS PISTOLS REGISTERED TO CITIZENS	SMOOTH BORE WEAPONS REGISTERED TO CITIZENS	RIFLED WEAPONS REGISTERED TO CITIZENS ²⁵	WEAPONS REGISTERED TO CITIZENS
Chişinău	106	1,726	11,125	5,130	6,749	6,166	11,879
Anenii-Noi	14	44	744	116	763	161	879
Bălţi	19	280	995	290	876	398	1,166
Basarabeasca	12	35	303	24	307	44	331
Bender/Teghina	0	0	322	73	363	92	436
Briceni	10	36	604	59	619	124	678
Cahul	18	114	1,283	83	1,300	165	1,383
Călăraşi	6	83	798	140	761	159	901
Cantemir	15	33	823	77	799	62	876
Căuşeni	15	78	836	82	827	138	909
Ciadîr-Lunga	13	60	396	33	421	66	454
Cimişlia	7	41	653	46	675	73	721
Comrat	25	112	719	57	752	152	809
Criuleni	12	43	765	110	765	234	875
Donuşeni	7	25	402	41	371	81	412
Drochia	13	54	565	46	579	76	625
Dubăsari	1	4	174	22	176	34	198
Edineţ	11	68	633	56	636	129	692
Făleşti	8	52	756	67	801	64	868
Floreşti	12	59	903	43	900	86	943
Glodeni	6	56	490	26	511	49	537
Hînceşti	10	75	1,198	118	1,106	236	1,224
Ialoveni	11	43	1,355	179	1,256	351	1,435
Leova	9	44	505	43	531	49	574
Nisporeni	8	58	686	56	711	146	767
Ocniţa	7	35	540	41	545	94	586
Orhei	6	108	1,153	166	1,066	286	1,232
Rezina	7	37	367	28	370	86	398
Riscani	12	38	511	37	529	52	566
Sîngerei	11	35	595	42	614	74	656
Şoldăneşti	5	20	330	16	360	54	376
Soroca	17	75	787	90	824	161	914
Ştefan-Vodă	17	75	934	50	987	126	1,037
Străşeni	12	102	774	127	743	236	870
Taraclia	12	52	494	22	562	62	584
Teleneşti	9	50	619	36	566	138	602
Ungheni	17	96	857	66	829	193	895
Vulcăneşti	8	27	262	22	278	93	300
Moldovan Transport Police	10	254	0	0	0	0	0
Department of Public Order	10	808	8,987	0	0	10,990	10,990
TOTAL	528	5,035	45,243	7,760	31,828	10,990	50,578

Table 4: Distribution of legal SALW in private possession in Moldova

(Source: Ministry of Internal Affairs)

The table demonstrates that Chişinău is the most significant area for weapon ownership, a fact supported by the location of all four of Moldova's gun shops in the capital. Chişinău also has the highest number of legal entities (and PSCs) licensed to carry weapons.

²⁵ The geographical breakdown in this column shows where the citizens licensed to own rifled weapons live. Each individually registered rifled weapon is, however, registered with the Department of Public Order (DoPO) in Chişinău. The total number of rifled weapons registered to individuals is, therefore, 10,990 and not 21,980.

3.2.2 State SALW holdings

Transparency regarding state owned SALW varies greatly. Some departments, such as the Customs Service and the Border Guards Service, openly disclosed this information. However, other agencies, including the MIA and the MoD, regarded all information on SALW holdings as a 'state secret'. Low levels of transparency regarding state SALW holdings are not unusual in transition countries (and especially those that have experienced a recent conflict), and many SEE states exhibit a similar approach to the provision of information in this area. Consequently, whilst every effort has been made to obtain official figures for the SALW holdings of all relevant agencies, the lack of information in some cases has made estimation necessary.

3.2.2.1 Moldovan armed forces

As the SALW holdings of the Moldovan armed forces continue to be treated as a state secret, it was necessary to estimate holdings from information provided by Key Informant Interviews, desk research and official information released from government sources.

According to official MoD figures, the armed forces of Moldova are comprised of approximately 6,800 personnel (down from approximately 12,000 in 1994) and a further 2,300 civilians working in administrative and support functions²⁶ Moldova also has approximately 300,000 reservists (each enlisted for five years) who are eligible for call-up until they are 35 (former officers may, however, be called up until the age of 55).

According to figures provided by the Moldovan Ministry of Defence, the Moldovan armed forces are comprised of: three armoured infantry brigades, one independent motor rifle battalion, one guard battalion, one special forces unit, one artillery brigade, one anti-aircraft rocket brigade, one anti-tank battalion, one air base and a mixed air-force squadron. The armed forces, like all Moldova's state structures, inherited its infrastructure and equipment from ex-Soviet Army stocks, located in the SSRM. Consequently, Moldova's armed forces are equipped with standard soviet weaponry, with only very limited post-Soviet purchases. For example, Special Forces are believed to have received small numbers of SALW from Romania and the US.²⁷ The SALW known to form part of the MoD inventory are listed in table 5, 'Moldovan Armed Forces SALW holdings'.

In 1994 there were known to be approximately 12,000 active members of the armed forces. At this time their holdings were said to constitute a ratio of between 2.5 and 3 weapons for each member of personnel on active duty, providing a base range of between 30,000 and 36,000. Such a ratio is roughly in line with other former eastern bloc states and is lent credence by several former military personnel who have confirmed that the number of SALW certainly did not exceed 40,000 units. While between 30,000 and 36,000 weapons were in service in 1994, it is necessary to take into account sales, thefts, and destructions of SALW stocks since 1994 to calculate present SALW holdings. While MoD stocks had been distributed to members of the public during the conflict of 1992, key informants reported that by 1994 an accurate inventory had been established. According to the MoD, no major thefts from stockpiles have taken place since the cessation of the conflict. Further, since 1994 there have been no publicly disclosed cases of armed forces SALW destruction. If this is correct, SALW stocks can only have changed through the transfer of stockpiles, by becoming obsolete or falling into disrepair.

While the exact number of MoD SALW transferred since 1994 is not known, it has been stated that 'significant' numbers have been sold in the past²⁸ It is not clear whether the MoD has discontinued sales of SALW as there is presently no clearly stated policy on the issue. Furthermore, the downsizing of the armed forces since 1994 will have significantly increased the number of surplus weapons that would, in theory, be available for sale. Surpluses will continue to increase with the downsizing of the armed forces until 2014, as stated in Moldova's military reform programme (outlined in the May 2002 Concept of Military Reform). Given the uncertainty surrounding the sale of stocks and the status of newly designated surplus, it is impossible to confidently subtract a number of likely SALW sold from the 30,000 to 36,000 base range. In the absence of accurate figures for weapons that

²⁶ Decision of Republic of Moldova Parliament No. 679-XV (23rd November 2003) established the National Army's manpower and structure. This number excludes an unspecified number of Air Force personnel. Sources differ on the size of the Air Force with estimates ranging from 400 to 1,041.

²⁷ Jane's World Armies, 2005.

²⁸ Parliamentary Report. Small Arms Survey, *Small Arms Survey 2003*, (Oxford University Press, 2003). p. 109.

have been dispersed through sale or by becoming obsolete or falling into disrepair, for the purposes of this Survey, and in line with estimates provided by key informants, the Survey team suggests that the likely number of SALW available to the Moldovan armed forces is something in the order of 30,000 units:

TYPE OF WEAPON / AMMUNITION	ROLE	QUANTITY	
AT-4 Spigot	Anti-Tank Guided Missile	70	
AT-5 Spandrel	Anti-Tank Guided Missile	27	
SPG-9 73mm	Recoilless Rifle	24	
9K32/9K32M Strela-2/Strela-2M	MANPADS	120	
5.45mm PSM	Pistol	30,000 (Estimate)	
7.62mm Tokarev	Pistol		
9mm Makarov	Pistol		
5.45mm AK74	Assault Rifle		
7.62mm Dragunov	Sniper Rifle		
5.45mm AKSU-74	Machine Gun		
5.45mm RPK-74	Light Machine Gun		
7.62mm PKS	Medium Machine Gun (Fire Support)		
12.7mm DshK	Heavy Machine Gun		
TOTAL			30,241

Table 5: Moldovan Armed Forces' SALW holdings

3.2.2.2 Ministry of Internal Affairs and police commissariats

The Survey team was not able to obtain figures for the number of SALW held by the MIA, for reasons of secrecy. It is, however, possible to estimate MIA and police SALW stocks from personnel numbers. According to the Deputy Head of the MIA Personnel Department, a confidential Government Decision details the total number of MIA personnel. As the Survey team was not given access to this Decision, it consulted with a number of different sources in order to estimate MIA personnel numbers, with a consensus clearly emerging around the 22,365 mark, a figure which includes not only 'graded' personnel as detailed below, but also fire service and rescue personnel, and MIA civilian staff. The MIA can be divided into four basic units: the central departments (including the DoPO and the Department for Combating Organised Crime – DCOC) and the regional police commissariats: the special 'Fulger' unit, SGS, and the Carabineer.

The central departments and police commissariats are equipped with Makarov pistols, and MIA interviewees indicate that they have also received a small amount of modern high-calibre weaponry, including Glock pistols, from foreign donors such as the US. Officially the MIA does not stockpile surplus weaponry, as all MIA weapons should be active. However, none of those interviewed could even approximately estimate the number of MIA personnel that wear uniforms and would be allowed to carry weapons. According to a document issued by MIA Vice-Minister Igor Bodorin, the central departments and police commissariats of the MIA consist of 9,796 personnel. Assuming that the number of SALW held is roughly equivalent to the total personnel, this would suggest that the MIA central departments hold some 9,796 weapons.

The special 'Fulger' unit, which engages in anti-terrorist operations, is armed with higher calibre weaponry than other MIA police divisions. The types of weapon held include Makarov pistols, AK assault rifles, RPK (Ruchnoi Pulemet Kalashnikova – Kalashnikov light machinegun), and RPG (rocket propelled grenade launcher). The same MIA document discussed above details the number of personnel within the unit at 388, and as the Fulger unit does not maintain surpluses, the number of weapons held should be approximate to the number of personnel. It is, therefore, probable that the Fulger unit holds some 388 weapons.

The State Guard Service (SGS) provides private security services to a range of institutions, private companies and banks. MIA personnel who work for the SGS are armed with pistols and a small number of automatic rifles. According to the MIA document, the SGS is comprised of 1,676 personnel. This includes personnel with police status, armed guards, technicians, specialists from the state enterprise 'Technosek', a special bodyguard subdivision and a dogs division. As the SGS does not maintain SALW surpluses, the number of weapons should approximately equal the number of personnel authorised to conduct armed guarding services: police personnel, armed guards and an unspecified number of bodyguards. The SGS consequently holds approximately 1,676 active weapons.

The Carabineer is composed of 2,705 personnel including, 1,700 conscripts and 1,005 officers, sub-officers, other professionals and civilians. The organisation's structure is identical to that of infantry units in the National Army and available equipment includes army-standard SALW – AK, RPK, and RPG. The number of Carabineer troops would increase by a ratio of between 1.5 and 2 during national emergencies and conflict, when the organisation is tasked with protecting strategic objects. It is probable that the Carabineer holds approximately 2,000 - 2,200 weapons during peacetime and would acquire no more than 1,000 for wartime reserve deployments (although the latter would be sourced from MoD stocks – see above).

DEPARTMENT	NO OF PERSONNEL	WEAPON HOLDINGS
Central Departments and Police Commissariats	9,796	9,796
Special 'Fulger' Unit	388	388
State Guard Service	1,676	1,676
Carabineer	2,705	2,200
Fire Service and Rescue personnel	1,100	-
Civilians	6,700	-
TOTAL	22,365	14,060

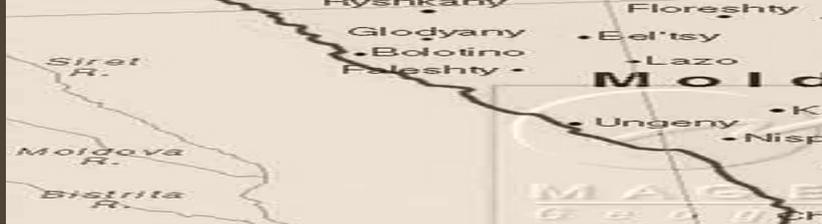
Table 6: Ministry of Internal Affairs SALW holdings

3.2.2.3 Customs Service

The Customs Service received all its weapons from the MoD in 1995 and 1996. This transfer included:

TYPE OF WEAPON / AMMUNITION	ROLE	QUANTITY
7.62mm AKM	Assault Rifle	10
7.62mm AKMS	Assault Rifle	30
7.62mm TT	Pistol	200
9mm PM Makarov	Pistol	20
5.45mm PSM	Pistol	1
TOTAL WEAPONS		261
7.62mm Model of 1943 (Rounds)	For AKM/AKMS	1,800
7.62mm (Rounds)	For TT Pistol	3,200
9mm (Rounds)	For Makarov Pistol	320
5.45mm (Rounds)	For PSM Pistol	32
TOTAL AMMUNITION		5,352

Table 7: Customs Service SALW holdings, 2005



All the weapons stored in Chişinău are held within the Customs Service's only storage facility. Weapons held outside Chişinău are stored at the nearest police stations, as customs posts do not have storage facilities. The Service has 1,431 personnel, of which 1,200 are trained in the use of weapons and 131 are registered to carry weapons if the need arises.

3.2.2.4 Border Guards Service (BGS)²⁹

The central headquarters in Chişinău contain the central stockpile, which includes formation weapons and basic reserves. The regional headquarters also have stockpiles and basic reserves and the BGS posts have rooms for storing weapons that are then released to border guards on duty. No weapons are kept at checkpoints, as there are no adequate storage facilities. The BGS has approximately 5,500 border guards. BGS holdings are as follows:

TYPE OF WEAPON / AMMUNITION	ROLE	QUANTITY
7.62mm AK47	Assault Rifle	3,500
5.45mm AK47	Assault Rifle	
7.62mm RPK	Machine Gun	175
5.45mm RPK	Machine Gun	
7.62mm PK	Machine Gun	
9mm Makarov	Pistol	700
TOTAL WEAPONS		4,375

Table 8: Border Guards Service SALW holdings, 2005

3.2.2.5 Ministry of Justice³⁰

The Penitentiary Department within the Ministry of Justice (MoJ) is equipped with a number of standard ex-soviet weapons as well as a small number of modern weapons. The MoJ has recently purchased 123 TT pistols and imported two VSC-94 9 mm sniper rifles and two 9A 9 mm compact machine guns. While the MoJ was able to provide details of the types of weapons held, it was not able to provide precise figures for its holdings. However, the number of weapons can be estimated approximately to 20 assault rifles and up to 15 pistols at each of its 20 prisons:

TYPE OF WEAPON / AMMUNITION	ROLE	QUANTITY
7.62mm AKM	Assault Rifle	Up to 400
7.62mm AK-74	Assault Rifle	
7.62mm AKCY-74	Assault Rifle	
7.62mm TT	Pistol	Up to 300
9mm PM Makarov	Pistol	
SVD	Sniper Rifle	3-5
9mm VSC-94,	Sniper Rifle	2
9mm 9A	Sub Machine Gun	2
RPG	Grenade Launcher	1
TOTAL		708

Table 9: Ministry of Justice SALW holdings, 2005

²⁹ Lt Col Sergiu Josanu, Head of the Armament Section, Border Guards Service; Lt Col Vitalie Fortuna, Head of Training and Human Resources Department, Border Guard Service

³⁰ Andrei Nicol, General Deputy of the Penitentiary Department and Lilia Boliuh, Head of the Public Relations Office of the Penitentiary Department.



3.2.2.6 Information and Security Service

The Information and Security Service is comprised of 12 departments, including intelligence, counter-intelligence, anti-corruption and anti-terrorism. One of its main roles is to lead counter-insurgency operations against the Transdniestrian authorities. No information was available on the SIS weapons holdings due to the sensitive nature of its operations. However, if we assume a 1:1 ratio for weapon holdings to personnel numbers, SIS would presently control 1,380 weapons.

3.2.3 Total legal weapons holdings

	NO OF PERSONNEL	HAND GUNS	ASSAULT RIFLES	OTHER	TOTAL
Military and Ministry of Defence					
Active Staff	6,800	30,000		241	30,241
Reservists	300,000	As above		-	As above
Ministry of Internal Affairs					
Central Departments/ Commissariats	9,796	-	-	-	9,796
Fulger Unit	388	-	-	-	388
State Guards Service	1,676	-	-	-	1,676
Carabineer	2,705	-	-	-	2,200
Other Agencies					
Customs Service	1,413	221	40	-	261
Border Guards	5,500	700	3,675	-	4,375
Information and Security Service	1,380	-	-	-	1,380
Ministry of Justice	-	300	400	8	708
Civilian					
Individuals	50,437	N/A	N/A		50,578
PSCs	31	N/A	N/A		445
Other Legal Entities	490	N/A	N/A		4,590
TOTAL					106,638

Table 10: Total legal SALW holdings in Moldova

3.3 Illegal SALW

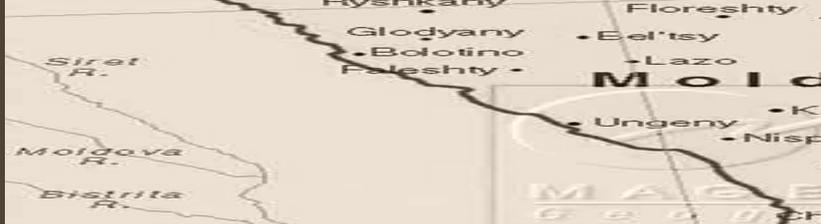
3.3.1 Number of unregistered weapons in circulation

Results from the HHS and interviews with several key informants indicate that the real level of SALW ownership amongst civilians is substantially higher than the number of registered weapons.

3.3.1.1 Household survey estimates³¹

Results from HHS conducted by the research team on the territory controlled by the Moldovan Government indicate higher levels of civilian weapon ownership than provided by official registration statistics. Three different questions can be used to give a range of estimates as to the number of illicit weapons in circulation.

³¹ CBS-AXA: Calculations based on HHS sampling technique, error margin 2.5%.



At the lower end of possible civilian weapon holdings, 5.7% of households stated that they own a weapon, resulting in a total of 62,409 households that have at least one weapon. However, a supplementary question in the HHS asked those who stated that they had a weapon ‘How many do you own?’ Responses to this question (one, two or three weapons) can then be used as a multiplier for a base estimate of the number of weapons in Moldovan Government-controlled territory:

NUMBER OF WEAPONS IN HOUSEHOLD	PERCENTAGE OF RESPONDENTS TO QUESTION	NUMBER OF HOUSEHOLDS IN MOLDOVA	NUMBER OF WEAPONS
1	91.0	56,788	56,788
2	5.8	3,642	7,284
3	3.2	1,978	5,935
TOTAL	100	62,409	70,007

Table 11: Lower-end estimate of illegal weapon holdings

If the total number of registered civilian weapons – 50,578 – is deducted from this total it would appear that there are at least 19,429 illegal weapons on the territory controlled by the Moldovan Government.

At the mid-range, 9.2% of all respondents stated that they used to own a weapon and that the weapon is still in circulation for one of a number of reasons: either the respondents still have that weapon, they have given it to a friend or family, have sold it or have had it stolen. This suggests that a total of 99,221 households in Moldova have at least one weapon:

RESPONSE TO QUESTION	PERCENTAGE OF TOTAL RESPONDENTS	NUMBER OF HOUSEHOLDS IN MOLDOVA
It was given to a friend or family member	1.1	11,773
It was stolen	0.5	5,557
It was sold	2.8	30,068
Still have it	4.8	51,823
TOTAL	9.2	99,221

Table 12: Mid-range estimate of illegal weapon holdings

If the total number of registered civilian weapons – 50,578 – is deducted from this figure, at the mid-range it would appear that there are at least 48,643 illegal weapons on the territory controlled by the Moldovan Government.

The upper end is determined from the fact that 11.3% of all respondents stated that their neighbour has a weapon. This suggests that 121,625 households have at least one weapon. If we deduct the total number of registered civilian weapons from this figure, at the upper end there is a maximum of 71,047 illegal weapons on the territory controlled by the Moldovan Government.



Illegal RPG 7 Rocket Launcher

Previous SALW Surveys in SEE states have demonstrated that very often there is under-reporting when it comes to the public answering the question ‘Do you have a gun at home?’ This indicates that the lower estimate of 19,429 under-represents the most likely number of illicit weapons. The fact that approximately twice the number of respondents believed their neighbour had a weapon, totalling 71,047 weapons, (as opposed to the 5.7% who answered that they did) probably represents an over-estimation, as previous surveys have demonstrated that the public usually



think neighbours are less law-abiding, more likely to own weapons and less secure than themselves. The true figure is likely to be somewhere between the lower threshold of 19,429 and the upper threshold of 71,047. As a result, it is probable that the medium figure of 48,643 weapons represents the most accurate estimate of illicit weapon holdings in Moldova. It is however possible that a number of these households possess more than one weapon. Therefore, if the mid-range response is used as an indicator of the percentage of households with one, two or three weapons, this would suggest that there are approximately 53,000 illicit weapons in civilian possession in Moldovan Government-controlled territory.³²

NO OF WEAPONS IN HOUSEHOLD	PERCENTAGE OF HOUSEHOLDS WITH A WEAPON	NUMBER OF HOUSEHOLDS IN MOLDOVA	NUMBER OF WEAPONS
1	91.0	44,265	44,265
2	5.8	2,821	5,642
3	3.2	1,557	3,114
TOTAL	100	48,643	53,021

Table 13: Final estimate of illicit weapon holdings³³

3.3.1.2 Key Informant Interview estimates

During interviews conducted by the Survey team with present and former members of the MIA and MoD, politicians and civilian experts, interviewees suggested that, at a minimum, there exist 'as many illegal weapons in Moldova as legal [55,613] weapons'. Whilst there was one exceptionally low estimate of 5,000 units, the other estimations were clustered between 40,000 and 60,000. This range would appear to confirm results from the HHS.

3.3.2 Type of unregistered weapons in circulation

Using the number of weapons seized or surrendered in 2004 as a proxy, it is possible to establish a picture of the distribution of illegal weapons by type:³⁴

³² The figure would be substantially higher if the calculation were made on the basis of a total weapon estimate of 71,047, with the total number of registered weapons then being subtracted from it.

³³ This table uses the results from HHS question 'How many weapons do you have?' and applies it to the mid-range figure of 48,683 provided by question 'What happened to that weapon?'

³⁴ The figure does not include weapons seized after being used to commit a crime, as it is unclear the number of these that are registered and unregistered.

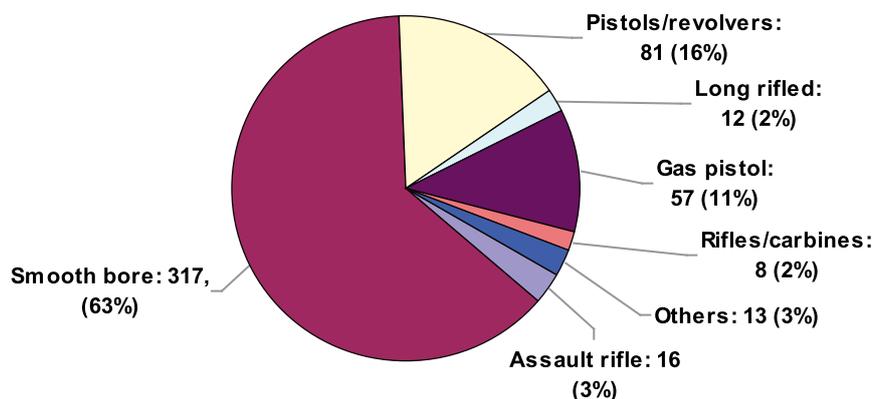
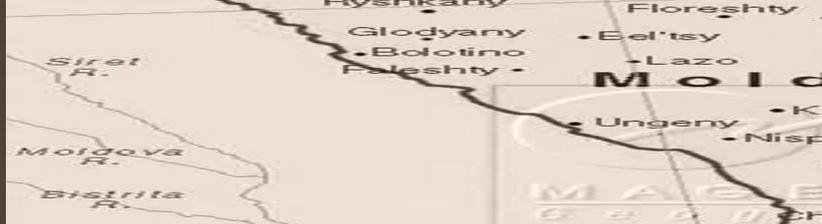


Figure 6: Type of firearms seized by police, 2004

(Source: Estimate based on Ministry of Internal Affairs statistics)

The vast majority of unregistered weapons are comprised of smooth bore weapons, most probably for hunting purposes. Only 16% of unregistered weapons are pistols and revolvers, and only three percent are assault rifles – a relatively low number when compared to other SEE states. This breakdown is supported by information provided in interviews by field officers. It is thought that weapons owned by criminal groups represent an exception to the general trend and include a significant proportion of high-calibre ‘aspirational weapons’, such as Glock pistols.³⁵

3.3.3 Demand for illegal weapons and their use

While there are a number of motivations that could stimulate demand for weapons, it would appear that the following three factors play a particularly important part in facilitating the desire to possess an illegal weapon.

Cost and choice in the illegal market: The low cost of buying an illegal weapon and the wide choice of weapons that can be sourced illegally are the two major incentives for many potential weapon owners to choose to own illegal weapons. FGD participants considered it possible to acquire a weapon very cheaply.

‘Over’-regulation of licensed weapons: The highly regulated nature of the Moldovan Government’s domestic SALW control system, which the public regard as both ‘complex’ and a ‘financial burden’, is another factor in decisions to own illegal weapons. Weapon owners need to provide secure storage facilities for their weapons and also allow their weapons and storage facilities to be inspected every six months (or every three months for rifled weapons). Further, each weapon has to be re-licensed every three years.

Low levels of trust in the police: The HHS highlighted the possibility that unregistered gun owners may be discouraged from registering their weapons due to distrust of the police and a consequent unwillingness to have their details held by the police.

3.3.4 Sources for illegal SALW

3.3.4.1 Former Soviet weaponry

SALW from the stocks of the 14th Soviet Guards Army and other Soviet security services in Moldova entered civilian possession during the period of confrontation in 1991-1992 in three ways: 1) appropriation by non-state actors, including civilians, 2) recorded and unrecorded weapon distribution amongst the civilian population by the Moldovan Government and Transdniestrian authorities and 3) returnees from the Transdniestrian conflict taking their weapons home. While civilian appropriation of Soviet stocks was more prominent on the left bank

³⁵ Lt Col Gheorghe Cretu, Head, Directorate for Technical Criminology, MIA.



of the Dniestr where the 14th Soviet Army's stockpiles were situated, the other two methods have had a greater impact on the territory controlled by the Moldovan Government.

The Moldovan authorities distributed weapons amongst the civilian population (including to all volunteers), in many cases without proper records being kept of the recipients. The quantities of weapons that were distributed have been described as 'very large' and have been estimated to total as many as 20,000 weapons in 1992.³⁶ The Survey team received no information from the MIA about the estimated number of weapons 'lost' during this period, the efforts made to recover them or the total number of weapons recovered.

The fact that not all distributed weapons were recovered by state agencies is supported by interviewee statements that a significant proportion of individuals who fought in the war (civilian volunteers and police/special forces units), brought their weapons back with them from the conflict. Indeed, a number of interviewees stated that they personally still possessed weapons obtained during the early 1990s.

3.3.4.2 Thefts from military depots

No information was provided to the Survey team on the number or distribution of National Army and MIA (including the police commissariats) weapon depots. The Customs Service has one central stockpile in Chişinău (weapons registered to Customs posts are stored at the nearest police station) and the BGS has a central stockpile in Chişinău and five regional stockpiles.

According to the General Prosecutor, six cases of theft from military depots have been registered with the Military Prosecutor since 2001. These include: one Makarov pistol and eight 9 mm military style cartridges, stolen by a conscript on 19 May 2001; 220 F-1 grenades, 31 RPG-22 grenade launchers and 499 7.62mm cartridges from a Brigade store in April 2004; a Makarov pistol and an undisclosed number of rounds on 20 October 2004; and two Makarovs and TT pistols (and ammunition) were stolen from the sports club of the National Army on 27 March 2005. It is not known whether there have been other thefts from stores that have not been registered with the Military Prosecutor, which claims to have recovered all the stolen SALW and ammunition apart from eight of the grenades stolen in April 2004. According to the Border Guard Service (BGS), there have been no thefts from its stockpiles, while the MIA has not provided information on any thefts.

If this information is correct, then thefts from military stores do not represent a substantial source of illegal weapons and ammunition. However, at the end of 2004, there were numerous allegations of arms thefts from National Army stores following the discovery that munitions from the Brigade store were missing (the first recorded theft since the period of armed conflict). This led to a complete inventory of military, police and security agencies' SALW and ammunition holdings and a plea from the Supreme Security Council 'to develop an arms control mechanism'.³⁷ It is also clear that the Moldovan authorities do take stockpile security very seriously and stockpile thefts have led to repercussions at very high levels. For example, the theft of munitions from National Army depots resulted in the dismissal of the then Moldovan Minister of Defence in December 2004, while the Director of the Carabineer was also dismissed in October 2004 following the theft of the Makarov pistol by a deserting Carabineer soldier.³⁸

3.3.4.3 Illegal SALW production

While the Survey team was shown a small number of handcrafted hunting weapons by the MIA, it was not provided with a breakdown of the number of illegally produced weapons seized or an estimation of the numbers that may have been produced. However, illegal production is thought to be insignificant in number and primarily for personal use. Accusations of unlicensed production in Transdnistria are considered in Section 8.4.



Various homemade weapons
(Source: MIA)

³⁶ Interview, Anatol Tarantu, parliamentarian; *Monitoring the Implementation of Small Arms Control (MISAC), Small Arms Control in Moldova*, International Alert, http://www.international-alert.org/our_work/themes/misac.php, accessed 29 November 2005.

³⁷ 'President Sacks Defence Minister Over Arms Thefts', SEEurope.net, 20 October 2004.

³⁸ *Ibid.* See also 'Moldovan Deputy Interior Minister Sacked', Infotag, 22 October 2004.



3.3.4.4 SALW trafficking

It has been widely reported that the permeability of Moldova's international borders, especially the Ukraine-Moldova border (see box 3) has facilitated the overland trafficking of a number of commodities, including SALW and other military equipment, into the country. Moldovan Government officials, analysts and journalists argue that the majority of weapon trafficking into Moldova occurs across the section of the Ukraine-Moldova border that is controlled by the Transdniestrian administration and unregulated by either the Moldovan Customs Service or BGS.³⁹ It is argued that these weapons are then transferred from Transdniestria into the rest of Moldova across the internal border along the river Dniestr. Many commentators also believe that a sizeable number of weapons that are trafficked into Moldovan Government-controlled territory originate from within Transdniestria itself, either having been produced locally or acquired from former Soviet stockpiles. This argument was repeated during the Survey team's interviews with several representatives from within Moldovan state agencies. For example, according to INTERPOL Chişinău's Deputy Director, the majority of illegal weapons used in Moldova come from Ukraine and Russia and, in general, such weapons are trafficked into the country from the east, across Transdniestria.

Despite the frequency with which such claims are made, the Survey team was unable to obtain firm evidence to corroborate them. Indeed, evidence provided by MIA representatives seems to demonstrate that while there is an amount of trafficking through Transdniestria, it is probably no higher than that across the Moldovan-controlled border with Ukraine and its border with Romania. For example, according to the Directorate for Technical Criminology, which tests seized weapons on behalf of the police, weapons seizures by Moldovan state agencies have included: weapons manufactured without serial numbers in Transdniestria, home-made weapons produced in Southern Ukraine or Moldova, large calibre weapons from Yugoslavia, grenade launchers of diverse origin and weapons from which the serial number has been removed or distorted from a number of countries. Significantly, the Directorate also states that while a large percentage of the weapons recovered by Moldovan police originate in the Russian Federation, the second most common point of origin is the Czech Republic.

It is still possible that an amount of the weaponry imported by the Transdniestrian authorities is then trafficked over the internal border into the rest of Moldova. The Transdniestrian authorities have admitted that hunting weapons are imported into Transdniestria from Ukraine.⁴⁰ Further, according to the Transdniestrian authorities Statistical Annual for 2000-2001, US\$ 100,000 worth of 'weapons, munitions, their parts and accessories' was imported into Transdniestrian region in 2000 and a further US\$ 100,000 in 2001.⁴¹ As no breakdown is provided on the types of weapons imported, their origination or serial numbers, it is impossible to ascertain whether they have consequently been trafficked into the rest of Moldova.

The Survey team has therefore provisionally concluded that there is no established land route for SALW trafficking into Moldova. Further, the current lack of appreciable demand in Moldovan Government-controlled territory and the probability that Moldova is not a significant land transit point owing to the existence of simpler contraband routes through neighbouring countries,⁴² suggest that trafficking volumes are low. However, it seems probable that, should hostilities re-emerge, trafficking channels could also rapidly emerge, as has occurred in the past with the conflict in Gagauz Yeri (see Section 7).

While there do not appear to be any established land routes for SALW trafficking, sources have voiced concern about the smuggling of SALW in low flying aircraft across the Danube Delta.⁴³ The Survey team was not, however,

³⁹ Indeed, the Moldovan Foreign Minister has stated at the UN PoA Biennial Meeting of States that, '...it is impossible to implement measures to fight illegal arms sales across Moldova because the separatist region's authorities are still in place'. 'Moldova calls for international inspection of Russian ammo depots', *Interfax*, 13 July 2005.

⁴⁰ The Survey team was told that the smooth bore hunting rifles sold in the Transdniestrian 'Antei' are imported from Ukraine. Colonel Oleg Beljakov, Deputy Minister, MIA, Transdniestrian authorities.

⁴¹ *Statistical Annual of the Dniestrian Moldovan Republic for 2000 - 2004*, Statistical Service, Ministry of Economy, Tiraspol 2005. The report was provided by the Transdniestrian Ministry of Economy. As no detailed breakdown is provided, it is possible that some of these imports were of non-SALW weaponry.

⁴² Bernhard Bogensberger, Operations Section - Terrorism, Organised Crime, Border Management, Asylum and Migration, Delegation of the European Commission to Ukraine.

⁴³ Survey team Interview, Chişinău. Reports of breaches of Moldovan air space have occurred in 2004 and 2005. See for example, 'President Sacks Defence Minister Over Arms Thefts', *SEEurope.net*, 20 October 2004.



able to substantiate this claim. Again, due to the low level of demand in Moldovan Government-controlled territory, if such flights do take place it is unlikely that they are either frequent or that they deliver a substantial amount of SALW.

Box 3: Ukraine-Moldova border – ‘contentious, porous and busy’

While control of the Romanian-Moldova border was established relatively quickly by the BGS in 1992, the 1,222 km stretch of the Ukraine-Moldova border has proved more problematic. The Ukraine-Moldova border is traversed by a large number of small roads and tracks and can easily be crossed on foot or by small vehicle.

Limited BGS patrols along the Ukraine-Moldova border only started in 2001 and whilst physical demarcation of the land border began in mid-2003, it is still not complete. Further, Moldova and Ukraine only signed a protocol regulating customs procedures along the Ukraine-Moldova border in May 2003 and joint border controls have not been implemented consistently. Since 2001 Ukraine has refused to implement joint border checkpoints and joint border controls along both the Ukraine-Moldova border and the stretch of border controlled by the Transdniestrian authorities as stipulated in a 1997 Agreement. As a result the section of the Ukraine-Moldova border under the control of the Transdniestrian authorities has been controlled exclusively by Ukraine border and custom staff and it is only at the end of 2005 that border management has been augmented by the EU Border Assistance Mission.

The volume of traffic across the Ukraine-Moldova border, whether of goods, vehicles or people is sizeable and on the increase. According to information from the Ukrainian Government, a large proportion of the Moldovan-Ukraine cross-border traffic occurs along the Transdniestrian-controlled section. In 2005, this has included:

- 44% of people;
- 65% of those captured for illegal crossings by the Ukrainian authorities;
- 8.2 million out of 11.2 million Hryvnya of contraband seized by the Ukrainian authorities;
- 56% of weapons (19 from 34) seized by the Ukrainian authorities; and
- 99% of ammunition (44,302 units) seized by the Ukrainian authorities.

Ukrainian statistics for recent years show that foot crossings increased by 13% and vehicles crossing by 11% during the period 2004-2005. Ukrainian border guards and customs authorities have also seized considerably greater amounts of ammunition and drugs as well as migrants in 2005 as compared to previous years. A total of 1,770 people were held at the border in the first six months of 2005 by the Ukrainian authorities (up 25% on 2004) and 4,182 people were denied entry (up 16%).

3.3.5 Trafficking destinations

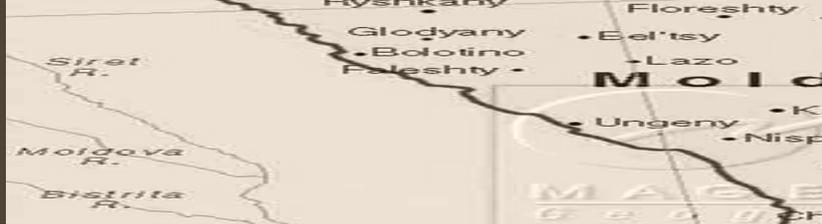
While no information was available on substantial trafficking from the territory of Moldova controlled by the Moldovan Government, allegations are continuously made by the media, analysts and the Moldovan Government that weapons produced in Transdniestria as well as former Soviet stocks under the control of the Transdniestrian authorities have been trafficked to conflict-prone areas such as Abkhazia, the Democratic Republic of Congo, Liberia, Libya, Iraq, Chechnya and the former Yugoslavia.⁴⁴ It is often alleged that these transfers leave via the Ukrainian ports of Odessa and Illichiovsk, both of which are thought to have entrenched criminal networks.⁴⁵ Indeed, the weak border and the potential for trafficking of the remaining weapons and ammunition held in the territory under the control of the Transdniestrian authorities is also a source of concern more locally for the regional authorities in Odessa, which attempted to reinforce the region's border controls in 2003 at a cost of over US\$ 197,800.⁴⁶

In the absence of any concrete evidence to demonstrate the orchestrated movement of SALW from Transdniestria, the Survey team was unable to substantiate these claims. However, a number of factors serve to perpetuate these concerns, including: the high incidence of Russian enquires about weapons to the Moldovan office of INTERPOL, the continued weak capacity of border controls on the Ukraine-Moldovan border, the proximity of

⁴⁴ 'Moldovan Official Accuses Dniestr of Selling Weapons Abroad', BBC Monitoring Service/ ProTV Chişinău, 11 May 2004; 'Moldovan Paper Accuses Breakaway Region of Selling Arms to Chechnya', SEESAC Weekly SALW Monitor, 04 June 2004; 'Minister Warns Dniestr Supplies Arms to Terrorists', Basapress, 10 November 1998, <http://www.nisat.org>, accessed 20 October 2005; 'Soviet Republic of Transdniestria Said Supplying Islamic Terror Groups with Arms', Panorama, 04 February 2002; 'Dirty Bomb Warheads Disappear – Stocks of Soviet-Era Arms for Sale on Black Market', Joby Warrick, The Washington Post, 07 December 2003.

⁴⁵ Survey team interviews, Chişinău; Natalya Belitser, Researcher, Pylip Orlyk Institute for Democracy and Oleksia Basarab, Research Director, Strategic and Security Studies Group.

⁴⁶ Interview with Damien Helly, ICG Consultant.



the Odessa and Illichiovsk Ports and the historically low levels of transparency of the Transdniestrian authorities regarding production facilities and the security services.

Equally, it should be noted that several analysts have charged the Moldovan Government with using SALW issues, and especially accusations of SALW production and trafficking in Transdniestria, for political leverage in attracting the interest of the international community to the Transdniestrian conflict and in an attempt to ensure a positive outcome for the Moldovan Government in the conflict settlement process.⁴⁷ Key figures from the Moldovan Government, including President Voronin and Prime Minister Tarlev, have claimed that SALW produced in Transdniestria have been sold to groups as diverse as Iraq during the government of Saddam Hussein and the Chechen terrorist group that attacked Beslan Public School Number One.⁴⁸ However, no concrete evidence for these claims has been made available to the Survey team, despite attempts to source such information.

There are, however, strong indications that some SALW trafficking did take place through Transdniestrian-controlled territory up to 2001. The Director of INTERPOL Chişinău has, for example, suggested that many SALW left the country during 1992. This statement is supported by the Adjunct to General Lebed, the former Commander of the Russian OGRF who detailed a number of specific transfers in the 1990s as well as the loss of sensitive items, including two nuclear missile pieces.⁴⁹ It seems likely, however, that trafficking of this nature has diminished or ceased since the 11 September 2001 terrorist attacks in the USA, following which far greater international attention has been placed on illicit SALW transfers and the possibility of their use by terrorist organisations.

This analysis may be supported by information from the Transdniestrian authorities' *Statistical Annual* for 2000 - 2001, which states that US\$ 900,000 worth of 'weapons, munitions, their parts and accessories' was exported from the Transdniestrian region in 2001.⁵⁰ Since 2001 no such exports have been disclosed in this publication. These transfers were conducted with states from the Commonwealth of Independent States (CIS), though no information was provided to the Survey team on the exact destination of exports, or on the type and quantities of goods being transferred. It is possible, therefore, that the exports in question include non-SALW items or were comprised of former Soviet stocks rather than newly manufactured items. It is also possible that this figure refers to withdrawn Russian ammunition. Further, the Survey team was not able to validate the information provided in the *Statistical Annual* and has no means to determine whether the information contained in it is exhaustive.

Nevertheless, the fact that weapons have been imported into, and exported from, the Transdniestrian region without arms export licences being issued by the Moldovan Division for Dual-Use Goods Trade Control shows that trafficking has occurred in the past and the potential for future trafficking exists.

3.3.6 Commodity interdependence

In contrast to other SEE states, there appears to be a very low incidence of interdependence between trafficking in weapons, drugs and human beings. Further, all interviewees stated that they had no evidence of commodity interdependence in the past. Those incidents that do occur usually involve those engaged in one form of illegal trafficking arming themselves with weapons.

As there are at present no established smuggling routes into and through Moldova, there is a very low risk of the joint trafficking of SALW with other products such as drugs. It appears that this is largely due to geography. For example, the Odessa Port is known to be one of the key entry points for narcotics from Afghanistan into Ukraine and on to EU destinations. It does not, however, make sense for those narcotics to be trafficked through Moldova as this would require traversing a number of unnecessary border crossing points, increasing the overall risk involved. Further, most migrant smuggling occurs through the Zakarpattya region of Ukraine into Slovakia, where

⁴⁷ Andrei Popov, Director Foreign Policy Association and Rompetrol; Damien Helly, ICG Consultant.

⁴⁸ 'Moldovan Premier: Beslan Terrorists May Have Used Ammunition Made in Transdniestria', 09 September 2004, Moldova Azi, <http://www.azi.md/news?ID=30770> accessed 23 November 2005; 'Moldova Can Prove Tiraspol Sold Weapons To Iraq - Vladimir Voronin', 31 October 2005, Moldova Azi, <http://www.azi.md/news?ID=36577>, accessed 23 November 2005.

⁴⁹ Bergman, M. *Vojd v chujom stave*, Bioinformresurs, Tver, 2004; Michail Bergman: 'Ischezhuvschie Takticheskie Paketi S Imitatorami Yadernogo Vzryva ne Dali Nauiti', 23 August 2005, <http://mail.moldovanoastra.md/ru/index.php?day=1558>, accessed 25 October 2005.

⁵⁰ *Statistical Annual of the Dniestrian Moldovan Republic for 2000 - 2004*, Statistical Service, Ministry of Economy, Tiraspol 2005.



the border is quite porous.⁵¹ In general, smuggling of goods through Transdniestria into the rest of Moldova does not make economic sense due to the high costs involved, such as the standard accompanying fee of US\$1 per kilometre that is allegedly charged by the Transdniestrian customs service.⁵² Moldova could, however, become a viable route for trafficking into the EU if and when Romania joins the Union.

3.3.7 SALW seizures

Seizure figures along Moldova’s international borders do not provide a helpful indicator of the number of SALW trafficked across Moldova’s international borders every year, or of the number of unregistered firearms in circulation. This is due to the patchy information available and the inconsistency of seizure figures provided by Moldovan and Ukrainian border guards and customs officers. Although the BGS claims to have seized low levels of hunting rifles along the green border, it does not record the amount of SALW seized, as these cases are passed on to the General Prosecutors. It has been suggested that a large proportion of these hunting guns were seized from hunters, not traffickers, in the 10 km zone patrolled by the BGS.⁵³ According to the records held by the Moldovan Customs service, in the period 2003 – 2005, only four incidents of SALW seizures were reported, amounting to two pistols, three grenades and 57 cartridges.

However, seizure figures provided by the Ukrainian Embassy to Moldova show an increase in recorded cross-border trafficking activity since 2003:

SEIZURES	2003	2004	2005 (FIRST NINE MONTHS)	TOTAL CASES
All SALW seizures on Ukraine-Moldova border	17	35	41	93
Of which occurred on the Transdniestrian-controlled border	5	15	25	45
All cartridges seizures on the Ukraine-Moldova border	939	669	44,505	46,113
Of which occurred on the Transdniestrian-controlled border	707	361	44,000 (Empty 23mm cases) ⁵⁴	45,068

Table 14: Seizures on the Ukraine–Moldova border by Ukrainian Border Services
(Source: Volodimir Holinko, First Secretary, Ukrainian Embassy to the Republic of Moldova)

Whether the recorded increase is attributed to improved effectiveness of the Ukrainian border guard service or represents an actual increase in SALW trafficking is impossible to say without further research. The discrepancy between the Moldovan and Ukrainian figures does however serve to highlight the problems associated with information sharing between Moldova and neighbouring law enforcement departments.

3.4 Legal SALW production and transfers

3.4.1 Legal SALW production

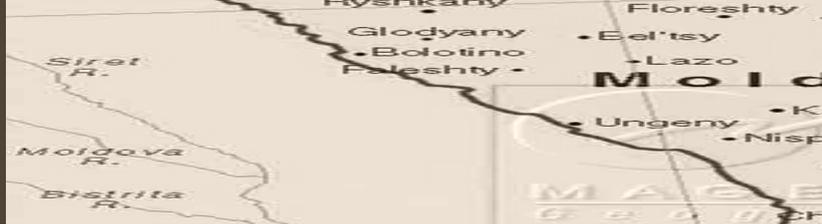
Although the Law on Individual Arms (Article 19) states that the production of weapons and ammunition in Moldova shall be a ‘state monopoly’ (except cartridges for hunting weapons), it appears that no production presently takes place. Apart from state production, the ‘Law on Individual Arms’ does also provide for limited production by other actors (Article 17): renovation of certain types of weapons, parts and sporting/hunting cartridges can take place in three specialised workshops; owners of smooth bore hunting weapons further have

⁵¹ Bernhard Bogensberger, Operations Section – Terrorism, Organised Crime, Border Management, Asylum and Migration, Delegation of the European Commission to Ukraine.

⁵² *Ibid.*

⁵³ Gavril Bargan, President, Comrat Region Hunters Association Council.

⁵⁴ The 23 mm cases (less propellant and projectiles) were found amongst a consignment of scrap metal being sent from Russia to the steel mill in Rybnitsa. ‘Ammunition Parts Seized on Ukrainian-Moldovan Border’, BBC Monitoring Service, 20 December 2004. It has been claimed that the shells were simply destined for reprocessing at Rybnitsa. Colonel Oleg Beljakov, Deputy Minister, MIA, Transdniestrian authorities.



the right to produce cartridges for personal use without a licence; and the HFAM has the right to produce and sell different calibre cartridges for smooth bore sporting and hunting weapons on receipt of a licence issued by the Chamber of Licences and an authorisation from the MIA. As the specialised workshops and the HFAM are state enterprises, this limited production capacity is, in effect, state-controlled.

Apart from the limited production capacity of ammunition, all those interviewed, including the MIA, stated that Moldova (excluding Transdnistria) does not produce SALW either for domestic military use or for civilian or military export. Moldova, unlike the majority of its SEE neighbours, did not inherit a substantial military industrial complex, so it has not shared its neighbours' experience of military-industrial decline in the face of international competition and a shrinking domestic market. This is especially true of the SALW sector, which was negligible in Moldova. The military production capacity that did exist within Moldova during the Cold War period (such as at 'Topaz' in Chişinău) was mostly of sophisticated weapons systems rather than SALW, and was redirected to civilian manufacturing following the collapse of the Soviet Union and the loss of access to the Russian market.

Limited military production might, however, take place in the future. The May 2002 Concept of Military Reform, which outlines a programme of changes that the Moldovan military must undergo by 2014, commits Moldova to establishing production of certain types of weapons, ammunition and combat hardware by Moldovan industries.

3.4.2 SALW transfers

Moldova exported considerable amounts of military equipment, including SALW and ammunition, between 1992 and 2000.⁵⁵ As the country did not have an effective transfer control system during this period and the transfers were conducted without transparency, no detailed information is available on the types, quantities and destinations of Moldovan SALW exports. Only the following general information on SALW exports from Moldova during this time has been made available via NISAT/COMTRADE:

YEAR	COUNTRY	COMMODITY	TRANSFER VALUE (US\$)	QUANTITY TRANSFERRED
1994	Romania	Small Arms Ammunition (SAA)	15,000	454,700 Rounds
1995	Romania	Bombs, Grenades, Ammunition, Mines, Others	1,800,000	NA
2000	Turkey	Air gun pellets/lead shot, parts of cartridges	1,450,000	NA
2000	Germany	Air gun pellets/lead shot, parts of cartridges	941	NA
2002	S. Korea	Bombs, Grenades, Ammunition, Mines, Others	12,724,110	NA
2003	Germany	Sporting and hunting shotguns	1,000	NA

Table 15: Known Moldovan SALW exports (all years)

It is also difficult to ascertain what, if any, transfers of SALW (and of arms in general) are presently made by state institutions of Moldova, Moldovan citizens and Moldovan registered companies. Several MIA officials interviewed for this report stated that Moldova is not presently a producer or an exporter of SALW. This is confirmed by documentation from the Division for Dual-Use Goods Trade Control, which issues authorisations for the import and export of 'strategic goods' (including SALW), and the reports by Moldova to the OSCE Secretariat under the OSCE Document on SALW and United Nations Department for Disarmament Affairs (UNDDA) under the UN PoA. However, the Survey team was made aware on a number of occasions of officially sanctioned exports of SALW from Moldovan territory that did not pass through Transdnistria, in 2004 and 2005, and were not recorded or reported internationally as they were considered sensitive.⁵⁶ It has been stated that the destinations for these exports include Ukraine and Russia. Given the low levels of transparency in both Russia and Ukraine with respect to arms transfer and defence procurement, it is difficult to determine whether such exports were of components

⁵⁵ Parliamentary Report. Small Arms Survey, *Small Arms Survey 2003*, (Oxford University Press, 2003). p. 109.

⁵⁶ Comments at 'Inter-ministerial roundtable to review initial findings of the national small arms and light weapons (SALW) Survey of the Republic of Moldova', 15 December 2005, Chişinău; Survey team interviews Chişinău.



for incorporation into Russian and Ukrainian weapon systems, or for re-export to third destinations. Similarly no information was available on the country of origin of any such re-exports. The issue of the production and transfer of component parts deserves further attention given current global trends which favour outsourcing within the international arms trade.

Analysis of Moldovan SALW transfers is further made more complex in two ways: by a lack of clarity over Moldova's official policy regarding sales of surplus Moldovan military SALW and by the existence of a parallel licensing system that makes investigation of transfers to and from Moldova quite problematic (see Section 6.1.7).

It is unclear what national policy Moldova has for the disposal of surplus SALW stocks. Both the Moldovan Government and Parliament have made contradictory statements regarding Moldova's official policy on the sale of SALW since 2001. While Parliament has passed both a law allowing the sale of strategic goods – old army stocks – from Moldova (2001) and a list of military strategic goods that could be sold from Moldova's stockpiles (2003), the Moldovan Security Council adopted a decision to 'halt the trading of unusable weapons and hardware of the national army' in December 2001.⁵⁷ Further, as the list of military goods that can be sold is not open to public scrutiny, it is not clear whether SALW are in fact authorised for sale.

Under the present arms transfer control system, exports of military surpluses and imports of all military goods intended for use by the security services (transfers of 'military weapons') are authorised by the Inter-departmental Control Commission (ICC) via the Division for Dual-Use Goods Trade Control. Imports of weapons and ammunition for the civilian market (transfers of 'self-defence weapons', including hunting and sports weapons) are conducted through four MIA-controlled enterprises, or by enterprises and individuals for personal use, on the basis of MIA authorisations. While one enterprise, the HFAM, has been licensed to export civilian weapons, it is unclear which state authority is responsible for authorising the export of 'self-defence' weapons.

Only those transfers that are authorised by the ICC are reported by the Moldovan Government in relevant international information exchange mechanisms, such as the OSCE. Imports authorised by the MIA, or exports of 'self-defence' weapons, no matter who authorises that export, are not reported. While this dual export system allows Moldova to declare that it does not export SALW, Customs Service information shows that Moldova has officially exported SALW since 2001, if only in small quantities. Further, there is some discrepancy between the information provided by the Customs Service and that available from COMTRADE. Specifically, information on exports to South Korea (2002) and Germany (2003) were not included in customs data:

⁵⁷ 'Moldovan Security Council decides to halt trade in surplus arms', Basapress, 18 December 2001.



EXPORT	UNIT	QUANTITY	EXPORTER	VALUE (US\$)
2001				
Hunting Weapons	Unit	30.0		19,846
Gas Pistols	Unit	38.0		9,755
Cartridges	Unit	300.0		294
TOTAL VALUE				33,441
2002				
Unknown	-	-	'Lion-Gri' SRL IM	36
TOTAL VALUE				36
2003				
Unknown	Kg	1,000.0	Chamber of Industry and Trade	4,207
Ammunition	Tonnes	20.1	OGRF ⁵⁸	-
Unknown	Tonnes	3.6	Moldovan MoD	-
MANPADS	-	Not listed	VOINSKAIA CIASTI N65189 (Colbasna)	-
TOTAL VALUE				4,207
2004				
Gas Pistols	Unit	3.0	US Embassy	966
TOTAL VALUE				966

Table 16: SALW exports declared by the Moldovan Customs Service, 2000–2004

(Source: Customs Service. No information on destinations was provided)

3.4.3 International brokering

It is extremely difficult to ascertain the actual level of international brokering activity, if any, engaged in by Moldovan citizens and registered companies owing to complexities in laws, regulations and practice along with a lack of transparency. While international brokering activity is not outlawed in Moldova and brokering firms were quite active in selling military assets during the late 1990s, Moldovan officials assert that no brokering companies presently deal in SALW.⁵⁹ This opinion is shared by industry experts interviewed by the Survey team. It has been suggested that the suspension of brokering activity in Moldova is based on a personal decision by the Moldovan President in 2002, though no legislation has followed. Indeed, theoretically at least any company still has the right to 'broker' if it is registered with the Chamber of Licences. Consequently, while the legislative basis for it is unclear, brokering of the import, export, re-export or transit of SALW and related ADGT at present seem to be the prerogative of the Government ministries.

It is, however, probable that SALW brokering is undertaken by Moldovan citizens and registered companies, as the term 'brokering' applies to a wide range of activities connected to the international arms market. It is more likely that the brokers have simply been prohibited from engaging in the sales of Moldovan military surpluses or in facilitating purchases by government ministries, but are still able to broker SALW transfers to and from third countries. Indeed, brokering in Moldova was identified as a problem by some interviewees, who thought that intermediaries do exist and are interested in selling Moldova military stockpiles.

⁵⁸ This item is a transfer of in-service OGRF ammunition only. Withdrawals of ammunition from the Russian stockpiles in Colbasna to the Russian Federation are not included here since the Moldovan Customs Service's records do not consistently report them (e.g. only two shipments of 1,326 and 2,802 tonnes of OGRF stocks were recorded during 2003, a small fraction of the total known withdrawals in recent years).

⁵⁹ Some Moldovan companies do, however, 'broker' transfers of dual-use goods and technology. Survey team interview with anonymous Moldovan expert, Chişinău.



If international brokering firms have been excluded from facilitating sales of strategic goods from Moldova, it is consequently unclear exactly who is tasked with finding purchasers for Moldova's military surpluses or in facilitating purchases by government ministries. Indeed it has been indicated to the Survey team that the MoD has used companies to sell its old military goods to foreign customers and that several Moldovan companies have open licences to import and export arms.⁶⁰

Additionally, under Moldova's parallel SALW licensing system, four state enterprises are licensed by the MIA to import weapons for civilian and commercial use. Although these firms are not referred to as 'brokers' they fulfil all the criteria usually associated with brokering.

3.4.4 Transportation agents and companies

Although information on transportation companies was requested, no information was provided on this topic. The Survey team was, however, able to establish that four aircraft (types AN-12 BP, AN-12, IL-76 and AN-12TB) belonging to the Moldovan registered transport company 'AEROCOM' were insured for operation from Moldova in 2004, even though its licence to operate had been revoked by the Moldovan Government in 2004. AEROCOM is one of the freight companies alleged to be owned by the notorious arms dealer 'Victor Bout' and has been implicated in the illegal smuggling of SALW from Liberia to Sudan.⁶¹ Other companies allegedly owned by Victor Bout and apparently registered in Moldova before 2004 include Jetline International, Renan Air and Tiramavia Ltd. These companies have also been implicated in previous transfers of concern to sensitive destinations, including Sierra Leone, Liberia, Angola and the Democratic Republic of Congo.⁶² In addition, in May 2006, Jetline International was implicated in questionable transfers of SALW from Bosnia to Iraq (see below).

3.4.5 Transfers of concern

Moldova has previously been identified as the origin of a number of transfers to conflict zones or sensitive destinations, including Liberia, the Democratic Republic of Congo, Ivory Coast, Libya, and Lebanon. Indeed, following the imposition of sanctions by the US Government on two Moldovan arms companies in 2002, a Moldovan parliamentary report admitted that, 'since Moldova became independent in August 1991, it has sold significant amounts of Kalashnikov rifles and ammunition. Legislation has been violated in all these deals'.⁶³ However, no specific information on these transfers has been made available by the Moldovan Government.

In addition, during consultations for the 2006 SALW Survey of Moldova, government officials admitted that significant data on officially sanctioned transfers of SALW from Moldovan territory in 2004 and 2005 had been withheld by the Moldovan Government and not reported internationally on grounds of state secrecy.⁶⁴ A lack of overall transparency on the part of the Government of Moldova with respect to arms transfers, coupled with valid concerns about past practice, has left international observers uncertain as to whether Moldova is able to implement and enforce its rhetorical commitments to SALW transfer control. Unfortunately, as this report was going to print in May 2006, Moldova's reputation was further damaged by the involvement of Jetline International,

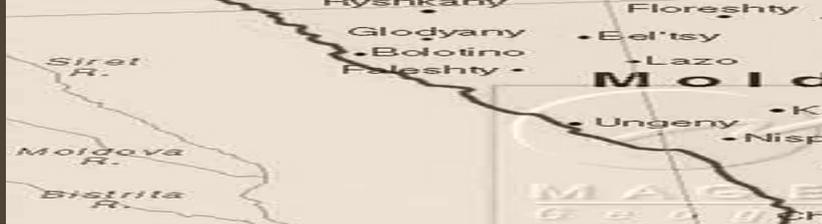
⁶⁰ Ion Lupan, Head, Dual-use Goods Circulation Control Division, secretary of the Interdepartmental Commission on Strategic Goods Export, Import, and Transit Control.

⁶¹ 'Sudan aid flown on gun-running planes', *Evening Standard*, 25 August 2004.

⁶² UN Report on Sierra Leone, S/2001/1015, 26 October 2001; Report S/2001/1015 on the Panel of Experts pursuant to Security Council resolution 1343 (2001), paragraph 19, concerning Liberia; UN Security Council, 18 April 2001, addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA (S/2000/1225, annex), submitted in accordance with Security Council resolution 1336 (2001) of 23 January 2001; Amnesty International, *The call for tough arms controls: Voices from the Democratic Republic of the Congo*, 09 January 2006, available at <http://web.amnesty.org/library/Index/ENGAFR620012006>, accessed 12 January 2006.

⁶³ 'US sanctions 12 Chinese, Moldovan, Armenian firms, nationals for exports to Iran', Agence France Presse, 16 May 2002; *Small Arms Survey, Small Arms Survey 2003*, (Oxford University Press, 2003), p. 109.

⁶⁴ It was stated that these transfers did not pass through Transdniestrian controlled territory and cannot, consequently be attributed to poor control of the section of the Ukraine-Moldova border controlled by the Transdniestrian authorities.



a shipping firm previously registered in Moldova as AEROCOM, in controversial transfers of more than 200,000 Kalashnikov assault rifles from Bosnia to Iraq.⁶⁵

3.4.6 SALW imports and internal trade

3.4.6.1 Imports of weapons for the civilian market

The legal Moldovan civilian arms market was liberalised in 1994 following the adoption of the 'Law on Individual Arms'. Prior to this, civilian weapons ownership was limited by the Soviet 'Law on Individual Arms' to members of hunting associations and weapons were only sold through the HFAM shops to HFAM members. The present law permits individuals to acquire weapons for self-protection as well as hunting and a range of different weapons can now be imported into Moldova and traded and owned. According to the MIA only four 'Specialised Weapons Stores' are licensed to import and trade in weapons - 'Cartuş', 'Pulbere', 'Dinamo' and 'Halifax-com', which is an enterprise of the HFAM (itself a state enterprise). However, statistics from the Customs Service demonstrate that a further 16 private companies have also imported SALW since 2001:

TYPE OF SALW / AMMUNITION	QUANTITY	IMPORTING COMPANY
2001 - BY COMPANY		
Pistols (9mm calibre)	1,828	'CARTUŞ' IS
Hunting Weapons	282	'PULBERE' IS
Gas Pistols	38	'DINAMO' CSC
Military Weapons (Carbines)	3	THE TRAP-SHOOTING FEDERATION
Cartridges	42,025	'SEBASTIAN' LTD
Cartridges for Pistols	1.9 Tonnes	'SANTARM' SA
Cartridges for Nail Guns	395,000	'JUCARIE' LTD
2001 - BY INDIVIDUALS		
Pistols	100	
Weapons	40	
Pistol 'GLOG-17C'	1	
Cartridges	6,000	
2002 - BY COMPANY		
Revolvers 'KORNET-S'	1,783	'CARTUŞ' IS
Cartridges for Revolvers	8.009 Tonnes	'PULBERE' IS
Hunting Weapons IJ, MP	460	'DINAMO-POLIGRAF' IS
Cartridges for Guns	27,201	THE FEDERATION OF TRAP-SHOOTING
Pneumatic Weapons	447	THE NATIONAL OLYMPIC COMMITTEE OF RM
Pellets	0.843 Tonnes	'TIASPEG' LTD
Cartridges for Nail Guns	50 Tonnes	'HALIFAX-COM' LTD
Signal Pistols	15	
2002 - BY INDIVIDUALS		
Pistols	11	
Gas Weapons	7	
Weapons	9	
Hunting Weapons	1	

⁶⁵ According to media and research reports, between July 2004 and August 2005, around 290,000 surplus units of SALW and 64m rounds of ammunition were exported by the Ministry of Defence of Bosnia and Herzegovina, many of them to arm the new security forces in Afghanistan and Iraq despite the ongoing violence in both countries and growing evidence that some Iraqi police and army recruits have collaborated with militias and rebel groups, Amnesty International have voiced serious concerns over that SALW procured from BiH may be diverted and misused. See Amnesty International, Dead on Time - arms transportation, brokering and the threat to human rights, 10 May 2006. Available at: [http://web.amnesty.org/library/pdf/ACT300082006ENGLISH/\\$File/ACT3000806.pdf](http://web.amnesty.org/library/pdf/ACT300082006ENGLISH/$File/ACT3000806.pdf); also BBC Radio Four, 'File on 4' report, 23 May 2006. Available at: http://news.bbc.co.uk/1/hi/programmes/file_on_4/5006196.stm; and Traynor, I., 'US in secret gun deal: Small arms shipped from Bosnia to Iraq 'go missing' as Pentagon uses dealers', *The Guardian*, 12 May 2006.



TYPE OF SALW / AMMUNITION	QUANTITY	IMPORTING COMPANY
2003 - BY COMPANY		
Pistols 5.6 mm	1,536	'CARTUȘ' IS 'PULBERE' IS 'DINAMO-M.A.' 'HALIFAX-COM' LTD 'COMVISIR-LUX' LT IS CA 'AIR MOLDOVA'
Hunting Carbines	726	
Cartridges	820,336	
9mm Cartridges	4,893 Kg	
Pneumatic Weapons	215	
Pistols	11	
'Teren' Grenades	33 Kg	
Carbines 5.6 mm	6	
2003 - BY INDIVIDUALS		
Pistol	1	
Pneumatic Arms	3	
Pistol	1	
Hunting Weapon	1	
2004 - BY COMPANIES		
Pistols 9mm	1,715	'CARTUȘ' IS 'PULBERE' IS 'DINAMO-M.A.' 'HALIFAX-COM' LTD 'SANTARM' SA
Hunting Weapons	546	
Cartridges for Pistols	5.4 Tonnes	
Smooth Bore Hunting Cartridges	355,300	
Cartridges for Nail Guns	825,000	
Gas Pistols 8mm	213	
Hunting Weapons	23	
Cartridges	20,000	
2004 - BY INDIVIDUALS		
Hunting Weapon	1	
9mm Pistol	1	
Cartridges	400	
2005 - BY COMPANY		
9mm Pistols	844	'CARTUȘ' IS 'PULBERE' IS 'COMVISIR-LUX' LTD 'HALIFAX-COM' LTD 'DINAMO-M.A.'
Single Smooth Bore Hunting Weapons	297	
Cartridges for Smooth Bore Carbines	266,300	
Cartridges for Pistols and Carbines	2.335 Tonnes	
Cartridges	242,200	
Pneumatic Arms	292	
Arm 55P/Arm 490P Weapons	85	
Hunting Weapon	14	
Cartridges for Pistols	0.032 Tonnes	
2005 - BY INDIVIDUALS		
Hunting Weapons	3	

Table 17: Imports of weapons for civilian use

(Source: Customs Service)

No information was available on the SALW imported by each enterprise or its intended end-user. The weapons imports registered with the Moldovan Customs Service do not correspond to those provided by Moldova in its reports to the OSCE and the UNDDA. For example, the Customs Service statistics for 2004 cited in the above table do not contain any reference to imports that Moldova reported to both the OSCE and UNDDA for that year.

The domestic Moldovan market for civilian weapons appears to be fairly stagnant. For example, the gun shop Pulbere only sells about 50 weapons a month. Several interviewees thought that there is not room for growth in the number of importing and trade enterprises, because existing gun shops meet current growth.



3.4.6.2 Imports of weapons for the Moldovan security services

As Moldova does not produce either weapons or ammunition, all state SALW needs that cannot be met through existing stocks have to be met through imports. The following table shows all imports for the Moldovan security services in the period 2002 - 2005:

ITEM IMPORTED	NUMBER IMPORTED
2002	
9mm Cartridges for Makarov Pistol	300,000
2003	
Cartridges with Rubber Bullets 'Teren-12P'	200
Cartridges with Rubber Shrapnel 'Teren-12K'	200
Shock Grenades 'Teren-7, 7M'	100
Tear Gas Grenades 'Teren-6'	50
2004	
Sniper Rifles VSC-94, 9mm	2
Compact Machine Guns 9A, 9mm	2
Cartridges SP-6, 9mm	1,160

Table 18: Imports for Moldovan Security Services, 2002-2004

(Source: Division for Dual-Use Goods Trade Control)

As the table shows, imports for the state security services have been minimal and mostly involved specialist weaponry for law and order purposes. The one exception to this has been the import of 300,000 9 mm cartridges for Makarov pistols in 2002.

4 Small Arms Impact Survey

4.1 Firearms injuries

The Survey team sought information on weapon injuries from a number of different sources in order to measure the impact of SALW on public health in the territory controlled by the Moldovan Government. These sources included hospital and police records as well as interviews and media reports. However, information on weapons mortality and morbidity provided by the Ministry of Health (MoH) and the MIA proved to be limited, despite the fact that the Moldovan Government has apparently been using the most contemporary version of the International Classification of Diseases (ICD-10) since 1996.⁶⁶ ICD-10 includes a range of classifications related to weapons.

4.1.1 Non-fatal injuries

The Survey team was unable to collect information on non-fatal weapon-related injuries, as this information does not appear to be collected by either the MoH or the MIA. This raises obvious difficulties for measuring the impact of weapons misuse in Moldovan Government-controlled territory.

4.1.2 Fatal injuries

Statistical information on fatal weapon injuries was only made available from the National Forensic Expertise Centre, which shows that in 2004 there were 54 deaths resulting from weapons. This means that there were 1.6 weapon-related deaths per 100,000 people. However, no detailed information was available on victim categories. By contrast, MIA and MoH either did not have the relevant statistical data or were unwilling to release it. Approximately 40,000 deaths are investigated every year by the Centre, of which approximately 100 per year are caused by weapons and ammunition. The largest number of deaths caused by weapons was registered in the period 1992 – 1995, unsurprisingly corresponding with the armed conflict and the period of heightened criminality that followed it. Since 1995, with the exception of 2002, the number of deaths involving weapons has slowly decreased:

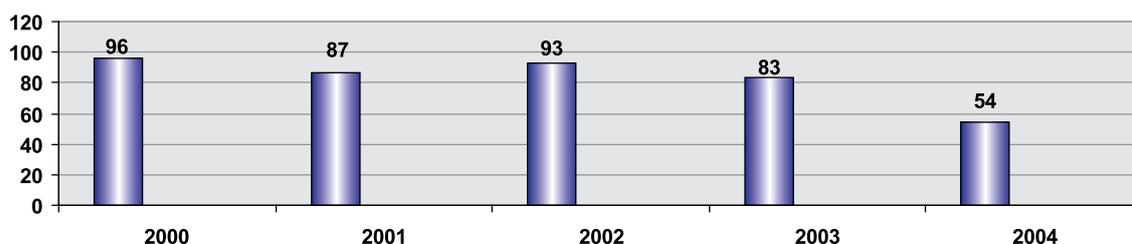


Figure 7: Deaths caused by firearms, 2000 - 2004

(Source: National Forensic Expertise Centre)

Staff within the Forensic Centre expressed doubts about the accuracy of their statistics regarding weapon deaths, as there continue to be cases of forensic experts being threatened by offenders, victims and their families. While, according to the 'Law on Forensic Expertise' (23 June 2000), police should guarantee the security of forensic scientists both during investigation and while giving evidence, this almost never happens⁶⁷ These threats and the lack of police protection might pressurise forensic scientists into recording inaccurate causes of death, perhaps attributing weapon deaths to other factors.

While no precise information was provided on weapon-related suicides in 2004, official homicide statistics indicate that up to 36 suicides were committed in that year. While only two weapon suicides were reported in the printed media during the period January 2003 to October 2005, in contrast the National Forensic Centre

⁶⁶ Website of the World Health Organization (WHO), <http://www3.who.int/icd/1.htm>, accessed 20 October 2005. The use of ICD-10 provides for the basis for the compilation of national mortality and morbidity statistics by WHO Member States.

⁶⁷ Alexandru Susanu, Public Relations Manager, National Forensic Expertise Centre.



recorded 54 deaths related to weapons in 2004, of which 18 were categorised as murders by the MIA (see table below). This leaves some 36 weapon-related deaths unaccounted for during 2004, a proportion of which are likely to have been suicides.

4.1.3 Homicide

Homicide figures released by the MIA demonstrate a very significant reduction (42%) in the number of homicides between 2001 and 2005. There has also been a very significant reduction (71%) in the number of homicides involving weapons over this period. The following table includes the past eight years of statistics:

YEAR	TOTAL HOMICIDES	HOMICIDES USING FIREARMS
1998	375	22
1999	391	32
2000	413	20
2001	411	34
2002	401	20
2003	336	16
2004	283	18
2005 (First 11 months)	235	10

Table 19: Firearm homicides versus all homicides, 1998 - 2005

International comparisons of homicides committed with and without weapons demonstrate that, unlike countries such as Albania and Croatia where the majority of homicides involve weapons, the reverse is true in Moldovan Government-controlled territory, where homicides using weapons account for less than 5% of all murders. It is however important to note that there is a discrepancy between the total firearm mortalities recorded by the National Forensic Expertise Centre every year and the number of homicides that have been recorded by the MIA. In 2004 (the last comparable year) 54 firearms injuries resulted in death, while the MIA recorded only 18 homicides. This discrepancy deserves further investigation.

4.1.4 Fatal and non-fatal firearm injuries caused by police officers

While detailed information on weapon morbidity and mortality is generally low, more detailed information on the impact of weapon use by police officers is available. The total number of victims of non-fatal injuries caused by the use of weapons by police has been declining since 2000. The total number of fatalities caused by the use of weapons by police officers, though not in decline, has also remained at a low level since 1998:

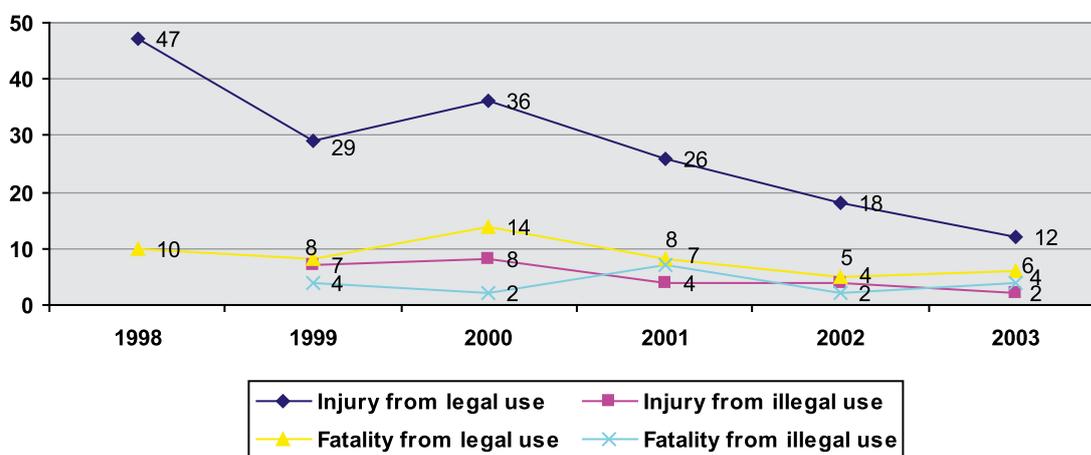


Figure 8: Injuries and fatalities caused by the use of police firearms, 1998 - 2003
(Source: Chişinău Police Academy)



The number of fatal injuries caused by the legal and illegal use of firearms by police officers is quite high. In 2003 (the last comparable year), the use of police firearm resulted in 10 deaths, only slightly less than the number of homicides recorded in the same year (16). The high number of injuries caused by the use of police firearms might be due to the fact that police officers are not taught to employ a graduated use of force when restraining suspects.

4.2 Crime attributed to SALW

4.2.1 Number of reported weapon crimes

According to official information released by the MIA, in 2004 there were only 87 recorded offences involving weapons in Moldovan Government-controlled territory: a ratio of 2.5 gun crimes per 100,000 persons. These offences do not include violations of the law on keeping, using or trading weapons. The two most frequent crimes associated with weapons in 2004 were 'threats' and 'injuries':

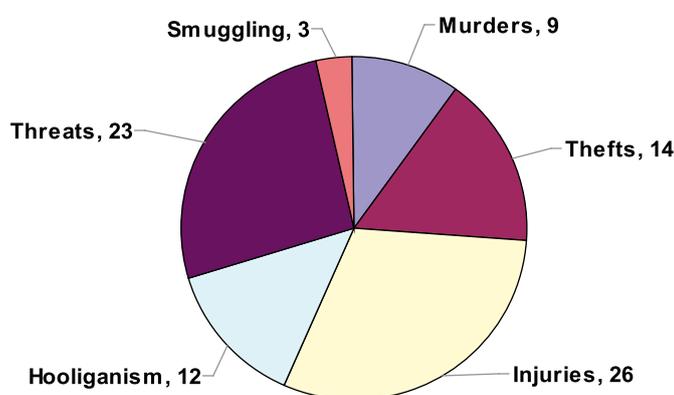


Figure 9: Number of offences involving firearms, 2004

(Source: Ministry of Internal Affairs)⁶⁸

Results provided by the HHS provide a useful comparison for statistics provided by the MIA and police sources. Of those respondents whose household or themselves had been the victim of violent crime, 9.1% stated that this had involved the threat or actual use of a weapon. This number is slightly higher than that provided by the police analysis of weapons use. Further, 6.6% of respondents stated that armed robbery was one of the three crimes that occur most often in their area. This is higher than drug distribution and sale (4.5%), sex-related crimes (4.9%), murder (5.1%), revenge (5.1%) and kidnapping (6%). It is, however, substantially lower than the most frequent response – burglary (57.8%). Such responses indicate that weapons crime might have a greater impact on Moldovan society than drugs, revenge and sex-crimes. This is confirmed by the fact that the use of firearms in community conflicts is thought to be extremely common or to happen sometimes by 17.8% of respondents:



Armed MIA police officers in action
(Source: MIA)

⁶⁸ There is a discrepancy in the mortality figures provided by the MIA. While the statistics provided show nine firearm-related murders as having occurred during 2004, figures provided in table 19 (also supplied by the MIA) show 18 firearm-related murders. The MIA was not able to explain this discrepancy.

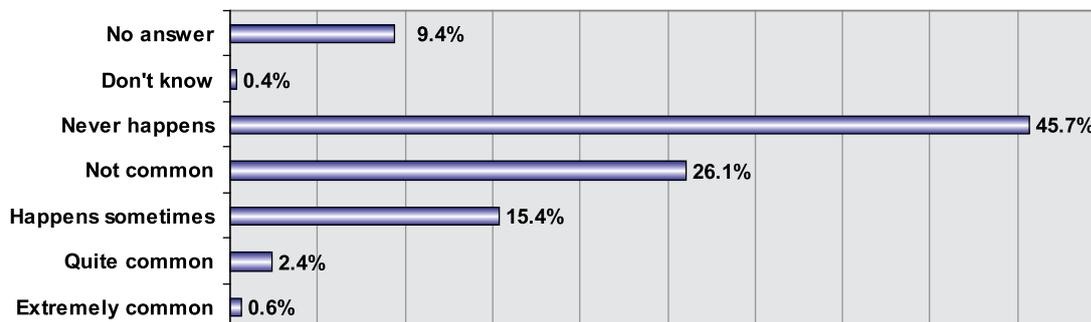


Figure 10: How common is it for conflicts in your community to involve firearms? (Base N = 1518)

In addition, HHS and FGD participants indicated that there is under-reporting of crime in Moldova. The HHS shows that only 54.1% of Moldovans would turn to the police for protection if they or their families were threatened with violence. The majority of FGD participants who had been victims of crime also stated that they had not contacted the police. As a result of this under-reporting, it is probable that MIA figures for firearm-related crime do not capture the full extent of the problem.

4.2.2 Changes in the security situation and weapon crimes

All indicators demonstrate that the security situation in Moldovan Government-controlled territory has improved since the early to mid 1990s and dramatically so since 2000 and 2001. This improvement can be attributed to a number of factors:

- More effective governance;
- More effective policing;
- Improved economic conditions;
- A lowering of tensions in the Transdnistrian conflict; and
- A clampdown on organised criminal activity.

The improved security situation is particularly apparent in statistics on types of violent crimes, which show a downward trend over the period:

CRIME	1995	1996	1997	1998	1999	2000	2001	2002	2003
Pre-meditated Murder	402	398	414	375	391	413	411	401	336
Pre-meditated Grievous Bodily Harm	548	509	525	420	528	447	394	335	320
Robbery	823	797	874	648	696	648	505	392	266
Robbery	2,124	1,851	2,400	2,175	2,504	2,284	2,085	1,948	1,467
Banditry	-	-	-	-	5	3	1	12	9
TOTAL	3,897	3,555	4,213	3,618	4,124	3,795	3,396	3,088	2,398

Table 20: Violent crimes, 1994 - 2003
(Source: Chişinău Police Academy)



Box 4: Organised crime and gun violence

The striking decrease in organised criminal activity since 2000/2001 is widely perceived to be a result of the crackdown on organised criminal groups by the Government, and the MIA in particular. Organised criminal groups operating in Moldovan Government-controlled territory and Transnistria, such as the 'Parkanskaya group', are said to have been 'liquidated' between 2000 - 2002. The majority of interviewees were of the opinion that serious organised crime no longer exists in Moldovan Government-controlled territory and that which does is primitive and engaged in by small undeveloped groups.

Government action to combat organised criminal activity in 2001 followed a period from 1999 to 2001 of intense and violent competition between the different organised groupings that developed during the late Soviet period, and which were headed by ex-prisoners (the so-called 'thieves in law' - *Vor v zakone*). The violent competition between these groups included the use of pistols and machine-guns.

In 2001, the MIA, though the DCOC targeted these groups. As a result all but two of the 'thieves in law' operating on Moldovan Government-controlled territory have either been imprisoned or killed in gang warfare.

Although the legality of the police's actions in combating organised crime has been called into question by a number of interviewees, it certainly seems to have been effective in reducing violent crime and gun violence in particular. Cross-border organised criminal groups, involving Ukrainians and Moldovans (including those from Transnistria) do still, however, operate. Most notable is the 'Southern Grouping', which is comprised of Moldovan/Transnistrian citizens as well as a core of members from the Odessa region. At one point this group is said to have contained more than 100 members.

While those interviewed acknowledge that organised criminal activity has diminished, the vast majority of respondents in the HHS (75%) still think that organised criminals are, outside of the security sector, the most heavily armed section of Moldovan society.

Improvement in the overall security and criminal situation is reflected in a steady reduction in the number of reported crimes involving the use of weapons since 1997, during a period when the number of registered weapon owners has been constantly increasing:

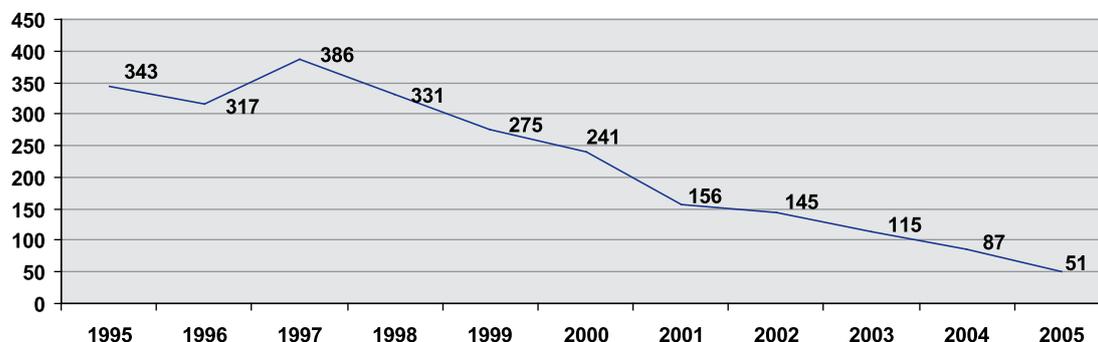


Figure 11: Number of offences involving firearms, 1995-2005

(Source: Ministry of Internal Affairs)

The vast majority of these weapon offences were, however, serious crimes such as premeditated murder, grievous bodily harm, robbery or banditry:

PERIOD	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Serious Crimes (Weapons)	305	269	241	248	241	202	173	149	110	68
Serious Crimes (Ammunition)	45	25	27	34	25	22	12	19	20	18
TOTAL	350	294	268	282	266	224	185	168	130	86

Table 21: Serious crimes committed in Moldova using weapons, ammunition or explosives

(Source: Chişinău Police Academy)



While there has been a steady reduction in the number of reported serious crimes involving the use of weapons and munitions, as a percentage of overall violent crime it has also gradually reduced since 2001:

	1995	1996	1997	1998	1999	2000	2001	2002	2003
Violent SALW Crimes	294	268	282	266	224	185	168	130	86
Violent Crimes	3,897	3,555	4,213	3,618	4,124	3,795	3,396	3,088	2,398
PERCENTAGE	7.5	7.5	6.7	7.4	5.4	4.9	4.9	4.2	3.6

Table 22: Serious SALW crime as a percentage of overall violent crime

(Source: Ministry of Internal Affairs)

4.2.3 Types of weapons used in crimes

The vast majority of weapons used in crimes are unregistered and illegal. Of the 87 crimes involving weapons in 2004, nine were committed with registered weapons, 51 with unregistered weapons and 27 with weapons lacking serial numbers. Therefore, 90% of all weapon crime is committed with unregistered weapons and for every one crime committed with a legal weapon, 8.7 were committed with unregistered weapons. Smooth bore weapons (rather than rifled weapons) are much more likely to be used in criminal acts⁶⁹ reflecting the fact that the vast majority of weapons owned either legally or illegally in Moldovan Government-controlled territory are smooth bored.

4.2.4 Regional discrepancies

Table 23 shows that in 2004 and 2005 Chişinău was the gun crime capital of Moldova (excluding Transdnistria), with 47% of all gun crime occurring there in 2004 and 43% for the first ten months of 2005. These statistics tally with the results of the HHS and the FGDs, where Chişinău was consistently identified as the most dangerous part of Moldovan Government-controlled territory and the area with the highest proliferation of SALW.

AREA	2004	2005	AREA	2004	2005	AREA	2004	2005
Chişinău	41	22	Floreşti	2	1	Ocniţa	1	1
Anenii-Noi	5	1	Vulcăneşti	2	1	Rezina	1	1
Laloveni	5	4	Căuşeni	1	3	Sîngerei	1	1
Străşeni	4	3	Taraclia	1	1	Soroca	1	-
Drochia	4	2	Criuleni	1	-	Comrat	1	-
Ştefan-Vodă	4	-	Dubăsari	1	1	Ciadîr-Lunga	1	2
Nisporeni	3	1	Făleşti	1	-	Bender/ Teghina	-	1
Cahul	2	-	Glodeni	1	1	TOTAL	87	51
Călăraşi	2	1	Hînceşti	1	-			

Table 23: Number of firearm crimes, 2004 - 2005

(Source: Ministry of Internal Affairs)

⁶⁹ Gheorghe Cretu, Directorate for Criminal Technology.



Box 5: Ungheni – a case study in weapon impacts

While it was not possible to gain an accurate picture of the impact of weapons at the national level from detailed statistics, more information is available at the local level. In the Ungheni region it is thought that, due to the small numbers of weapons locally available, SALW do not represent a threat. Nevertheless, the existence of SALW in the region, their use and misuse continue to have a low-level impact.

During the Second World War the Ungheni region experienced heavy fighting. A large number of weapons from the war, especially munitions (grenades), have since been discovered. A significant amount of unexploded ordnance (UXO) continues to represent a threat to the local population. For example, in 2005 there have been five cases of UXO being discovered. Further, one child from the Cerepcani village was killed in October 2005 while playing with a Second World War munition that he accidentally found.

In the period 1996-1997, there were a number of reported murders involving weapons. However, of the three murders registered in 2005, none involved the use of a weapon. In 2005 there has been one suicide involving a weapon. The number of injuries caused by weapons has decreased in recent years. The majority of accidents involving weapons occur due to negligence or inattention on the part of the victim, though children have also been accidentally injured by weapons on occasion.

Similar to the rest of Moldovan Government-controlled territory, the security situation in Ungheni has improved since the 1990s, with the highest level of criminal activity occurring in 1992. The annual number of weapon crimes in the region is now negligible and attributable largely to acts of revenge. In the period 2003 – 2005 there were four crimes involving weapons, in 2004 four or five cases involving the seizure of misused hunting weapons were recorded and in 2005 there have been six criminal cases related to hunting weapons. It has been suggested that weapon crime comprises no more than 2% of all crime in the region. The majority of registered cases of weapon crime involve the use of guns for revenge.

4.2.5 Illicit possession, production and trade in SALW

The recent downward trend in crime has accompanied a general decrease in recorded cases of the illegal carriage, keeping, purchase and illegal production of weapons and ammunition. Unfortunately no information was available on the demographic profile of the perpetrators of these crimes so it is difficult to analyse the data in any more detail.

YEAR	1998	1999	2000	2001	2002	2003	2004	2005
Number of offences	528	461	416	394	283	163	113	128

Table 24: Number of offences concerning the carriage, possession, purchase and illegal manufacture of SALW

(Source: Ministry of Internal Affairs)⁷⁰

Finally, it is worth noting that the above data and analyses depend for their veracity on reporting patterns and police systems for collecting and managing data. Perhaps the most important consideration is what proportion of actual crime goes unreported. One of the main factors that determine the public's propensity to report crimes is their level of confidence in the police, a topic that is covered in more detail in Section 5.2 'Perceptions of security providers'.

4.3 Other impacts

While SALW does not seem to have had a significant impact on either the health of Moldovans or the criminal situation in the country, it has had a number of other impacts related to security sector reform and democratisation. Due to the continued presence of large numbers of SALW in Transdniestria, both under the control of the Transdniestrian authorities and the Russian forces, SALW issues continue to be regarded as highly sensitive by both the Moldovan Government and the Transdniestrian authorities. This sensitivity has had a knock-on effect of low levels of transparency on SALW and security issues, including restricted access to information regarding

⁷⁰ Official release from the MIA to the Survey team. During 2004 113 offences were discovered concerning the carriage, keeping, purchasing, fabrication of weapons and ammunitions, respectively in Chişinău – 48, including Riscani sector – 14, Buiucani and Ciocana – 11 for each, Centre and Botanica – 6 for each; in the Bălţi city – 11, Anenii Noi – 7, Dubasari and Straseni – 6 (each), Vulcanesti – 5, Ciadir-Lunga and Calarasi – 4 (each), Ialoveni and Comrat – 3 (each), Criuleni, Cantemir, Soroca, Glodeni, Singerei, Basarabeasca, Cahul, Causeni, Cimislia, Drochia, Falesti, Hincesti, Leova, Rezina, Stefan-Voda and Taraclia – 1 (each). In 10 months 2005 there were discovered 128 offences of this type, respectively in Chişinău – 42, (in sectors Botanica and Buiucani – 11 for each, Riscani – 9, Ciocana – 6, Centru – 5); in the Bălţi city – 9, Ceadir-Lunga and Soroca – 8 for each, Ialoveni – 7, Cahul, Dubasari and Vulcanesti – 5 for each, Anenii Noi and Glodeni – 4 for each, Briceni, Cantemir, Causeni, Falesti, Ocnita, Soldanesti – 3 for each, Drochia, Straseni and Stefan Voda – 2 for each, Basarabeasca, Calarasi, Criuleni, Donduseni, Singerei, Comrat, and Taraclia – 1 for each.



state SALW holdings, SALW surpluses and SALW destruction programmes. Such low levels of transparency, and consequent civilian control, over the security sector means that there is an important hole in the democratisation of Moldova's society.

5 Small Arms Perceptions Survey

5.1 Perceptions of security

The national Household Survey (HHS) and Focus Group Discussions (FGD) exposed a pervasive sense of insecurity in Moldovan society. Yet while economic instability and related factors were considered to be the greatest overall cause of insecurity, and initiatives to tackle economic problems were identified as a key priority, further examination of responses demonstrate that crime and personal security are also significant for the majority of Moldovans. While perceptions were tested on the 'abstract' notions of economic insecurity, crime etc., it should be noted that there is clearly an interdependence between, for example, a perceived sense of economic insecurity, a perceived sense of weakness in the state infrastructure and the prevalence of – for instance – the black market and crime. While this Survey goes some way in exploring these links, developing a full understanding is beyond its scope.

5.1.1 Causes of insecurity

FGD participants generally cited poverty as a key driver of insecurity. It was thought that poverty was caused by a range of deeper issues, such as corruption, unemployment or low wages, and also acted as a driving force for other community problems, such as human trafficking, the need to work abroad, broken families and abandoned children. The shift in societal and cultural values was also highlighted as a key cause of insecurity, with FGD participants raising reduced respect for elders, discrepancies in educational standards between urban and rural areas, and a lack of options for the young and a lack of respect for public goods. A range of other causes of insecurity were also identified: drugs, smoking, poor quality medical care, human rights violations, juvenile violence, violence within the family, environmental problems and a poorly developed infrastructure.

The HHS highlights the fact that arms proliferation and its impact in society is not considered to be a principal security concern by the majority of Moldovan citizens, while economic uncertainty, unemployment, prospects and a threatening political situation are:

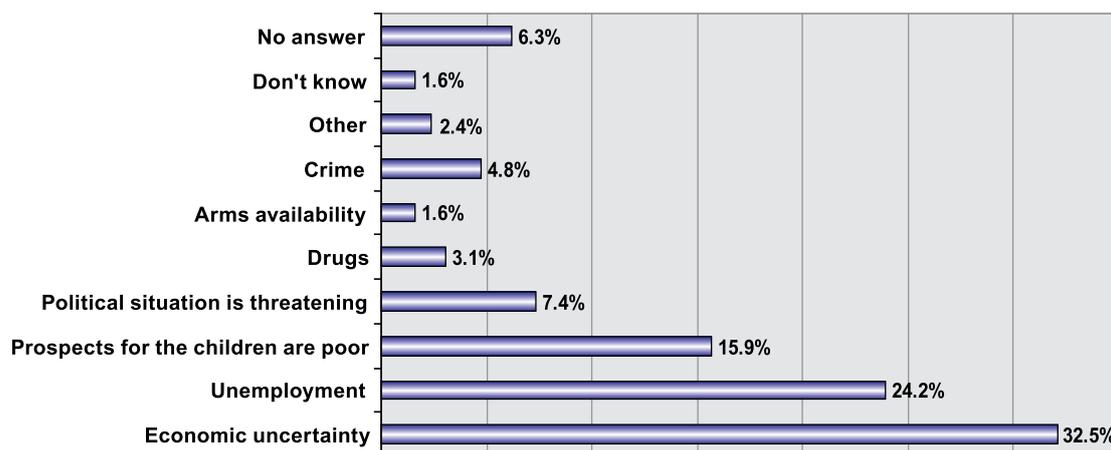


Figure 12: What is the biggest cause of insecurity to you personally and to your family?

(Base N = 1518)

While this can be explained by low levels of proliferation and impact of both legal and illegal arms in society, it also reflects the greater insecurity felt by the majority of citizens regarding the weak state of Moldova's economy and the resulting lack of economic security. Security issues in general are much less of a concern than the availability of jobs and money, and controlling the availability of weapons (1.1% of respondents) is much less of a priority for local communities than job creation (36.7% of respondents). Indeed, FGD participants from Chişinău and Ungheni expressed insecurity over their present employment and hence the financial security of their family – *'I am not sure about my job anymore; if you are fired it is very difficult to find another job'* (FGD participant, Female, Ungheni). The prominence of economic issues in discussions on security reflects a



trend across SEE, where previous SALW Surveys in countries such as Serbia and Bulgaria have shown economic insecurity (Serbia – 47%; Bulgaria – 33.9%) to be most frequently cited as the biggest cause of insecurity, and where arms proliferation (Serbia – 2.2%; Bulgaria – 0.7%) is not considered to be a major cause of insecurity irrespective of the actual availability of weapons.⁷¹

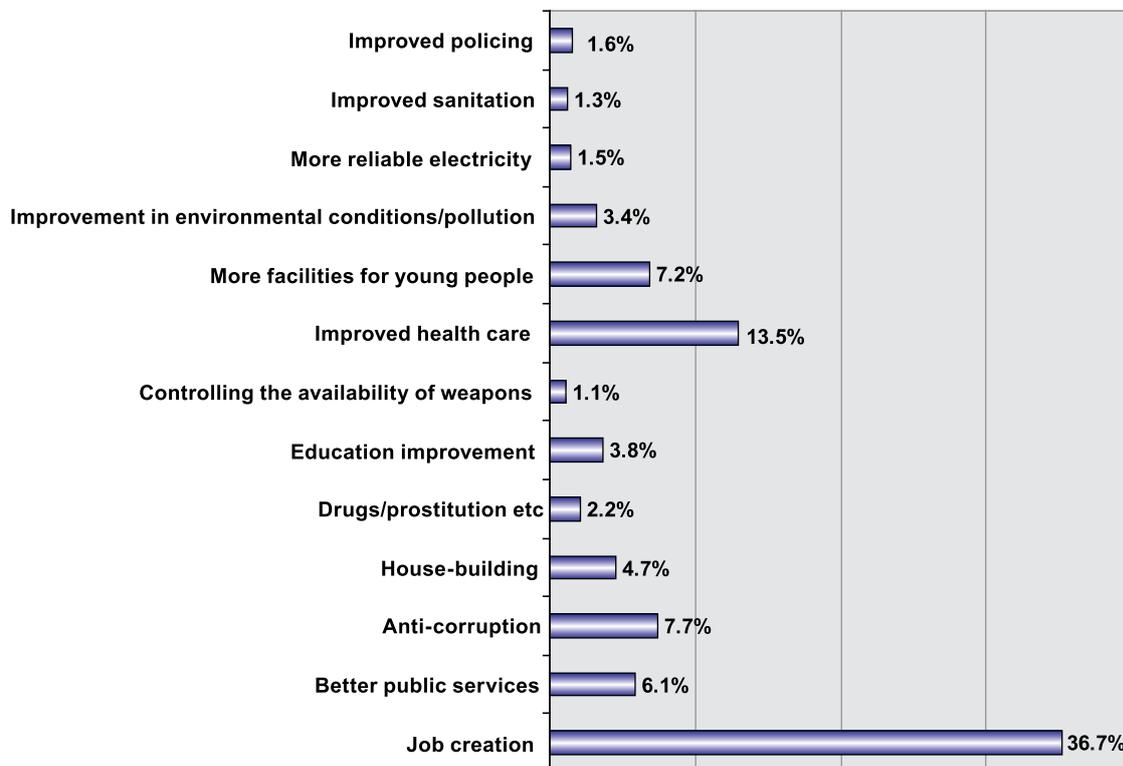


Figure 13: In your opinion, what are the three main priorities for your community? (Base N = 1518)

However, the low appreciation of both arms proliferation and crime as a source of insecurity might be due to a low understanding of ‘security’ amongst the general population, with only the more educated people in society being interested in both ‘hard’ (the Transdnestrian ‘conflict’) and ‘soft’ (crime) security issues. Indeed, a higher proportion of respondents with higher education perceived arms availability (3.1%) and crime (5.3%) to be the biggest cause of insecurity, than the national average.

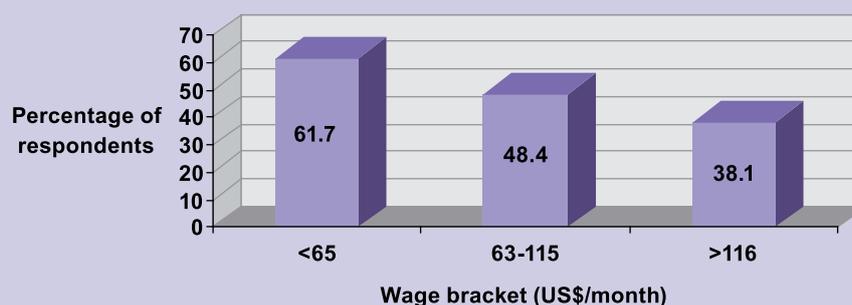
On the whole the HHS showed that Moldovans are less familiar with weapons issues, and the government institutions responsible for dealing with them, than they are with other community and personal security issues. For example, 25.7% of respondents provided no response or stated that they ‘did not know’ when asked what efforts the Moldovan Government had made to control the distribution and sale of weapons in society, while 32% were unable to describe what efforts the Government had made to control exports of weapons to other countries. This compares badly with Moldovans’ knowledge of the role of Government in combating organised crime and providing security for citizens (only 14% of respondents were not able to answer these questions). This low level of understanding of weapons is itself partially due to low levels of competent reporting by the Moldovan media on SALW issues and a lack of civil society engagement with the issue.

⁷¹ *Op cit*, Rynn, S. *et al*; *op cit*, Taylor, Z. *et al*.



Box 6: Transnistria and the gun – a cause of insecurity?

Moldovan society still experiences a palpable sense of insecurity over the Transnistrian ‘conflict’. The majority of FGD participants thought that Transnistria is not a secure region, due to a clash of political and economic interests, and that the presence of weapons in Transnistria heightens this instability. The majority of those respondents to the HHS who thought that Moldova could experience a renewal of conflict (36.8% of all respondents) believed that this would take place in Transnistria. This suggests that approximately 17% of all Moldovans think that a renewal of the Transnistrian conflict is probable. This fear is significantly higher among respondents in the 50 – 65 age bracket (60.9%), amongst respondents of Moldovan ethnicity (56.7%), among those who had not completed school (62.2%) and rural respondents (62.6%). Further, fear of a renewal of the Transnistrian conflict is more widespread amongst those in lower wage brackets:



Percentage of respondents who thought that a war in Transnistria was possible, by wage bracket

However, while FGD respondents admitted that a renewal of the conflict in the Transnistria region is always possible, they do not think that Moldovans or Transnistrians keep guns only because they are afraid of renewed conflict – ‘People here are not like those in the Caucasus or Chechnya, I think there are no such persons’ (FGD participant, Male, Business).

Several participants also thought that the present engagement of the OSCE and the new EU Border Assistance Mission, and the presence of NATO in Romania, offers Moldova security, as it is believed that the international agencies will prevent a renewed outbreak of conflict. Some respondents also suggested more radical solutions to the Transnistria conflict, ‘sometimes I wonder – let’s trace the Moldovan border along the river Dniestria’ (FGD participant, Male, Ungheni); ‘let’s forget about this problem...let’s first enter the EU and after that the Transnistrian conflict will get solved’ (FGD participant, Male, Business).

5.1.2 Perceptions of personal security

Moldovans do not overtly connect low levels of economic security with ‘soft’ security threats such as crime and SALW proliferation. For example, only 27.2% of respondents in the HHS stated that weapons had ‘some negative’ or a ‘negative’ impact on economic development and only 28.5% thought that weapons have a negative impact on personal income. Nevertheless, when asked to explore their insecurities the majority of FGD participants went on to identify a range of very tangible soft security threats. This indicates that while economic issues are the most prominent worry for Moldovans, feelings of personal insecurity and fear of crime are also very widespread.

Feelings of personal insecurity and a fear of crime were investigated in more detail in the FGDs. The majority of FGD participants expressed a feeling of insecurity (both for themselves and for their possessions) within their communities, especially while on the street. All the female participants, regardless of where they lived, expressed concerns about their personal security when outside in the evening or at night. The fear of crime on the street amongst the female FGD participants is demonstrated by the fact that the majority carry CS sprays for protection late at night – ‘I keep it in my hand when coming back from work at night and even in the pocket. I kept it in such a position so that it can’t be turned on me... if I leave it at home, I feel insecure, and I turn my head at every noise...’ (FGD participant, female, Chişinău).

There seems to be a difference between male and female perceptions of security, as several men felt they would be able to defend themselves if attacked. Participants in the FGD comprised of businessmen, while not feeling themselves to be personally threatened, unanimously stated that they felt their business was threatened by both the political situation and the power of some influential groups – ‘if they see that your business is flourishing, be sure that they will take it’ (FGD participant, Male, Businessmen).



Although only 4.8% of Moldovans consider crime to be the biggest cause of insecurity to them and their family, the HHS found that the majority of Moldovans (58%) are afraid that either they or their family will become a victim of crime in the future. This fear was appreciably greater amongst those with a higher education (64.1%), from the highest income bracket (70.3%) and among 18 – 29 year olds (64.1%). A higher proportion of women (64.1%) than men (54.3%) also feared becoming a victim of crime. As stated above, the majority of FGD participants expressed concerns of insecurity over their person and physical possessions when outside. Several of them claimed that they had been robbed in the street or at the entrance to their homes and that this had amplified their fears. The majority of FGD participants also identified burglaries as a cause for concern and thought that thefts from cars or parts of cars are quite frequent.

While Moldovans do not consider SALW proliferation to be a major source of insecurity and do not think that combating arms proliferation to be a priority for their community (Figure 13), the HHS unveiled a significant fear of gun crime and its impacts. After burglary, armed robbery was rated as the second most frequent type of crime that causes insecurity:

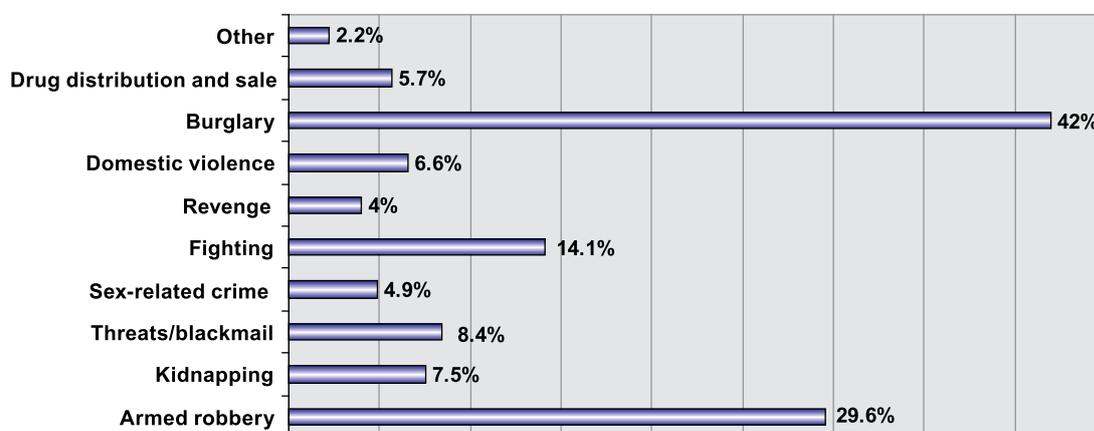


Figure 14: What three types of crime are the biggest causes of insecurity to you personally and to your family? (Base N = 1518)

A more detailed examination of responses to this question is revealing. A larger proportion of urban residents (36%, compared to 25.3% rural), non-Moldovan nationalities (34.9%), Chişinău residents (34.8%) and respondents with a higher education cited armed robbery as a cause of insecurity. Unsurprisingly, fear of armed robbery also increased appreciably in parallel with income (25.3% of those in the US\$ 62 and below wage bracket, compared to 43% in the US\$ 116 and above wage bracket).

The HHS also showed that an appreciable fear of injury or death through weapons exists, and that this fear is much greater amongst urban residents, Chişinău residents and those in a higher wage bracket:

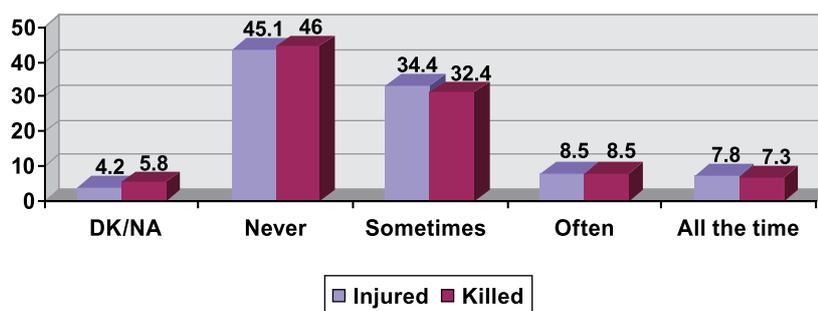


Figure 15: How often do you worry that either you or someone close to you might be injured or killed by firearms? (Base N = 1518)



The high level of fear of becoming a victim of crime in general, and armed robbery in particular, contrasts with the perception that crime levels are stabilising as well as the actual fall in crime rates recorded by the police (see the 'Small Arms Impact Survey'). While this contrast might in part be due to low levels of crime reporting by the public, itself a result of low levels of trust in the police (see below), it also reflects a general trend across SEE, where crime is generally perceived to be more prevalent than is actually the case. This contrast could also be explained by the fact that while Moldovans are aware of the low crime levels in society, and therefore do not generally think of crime as a cause of insecurity, the natural reaction when asked specifically about crime is to express a fear of it. The general discrepancy between low perceptions of the importance of SALW proliferation and crime, and the significant proportion of respondents that are fearful of crime and its impacts in general, and SALW crime in particular, deserves further investigation.

5.1.3 Change in perceptions of security and regional discrepancies

In spite of widespread fear of crime, there was generally a strong sense in FGDs and interviews conducted by the Survey team that the security situation in Moldovan Government-controlled territory had stabilised since the early 1990s and especially since 2000. The majority of participants in all the FGDs agreed that, in comparison with 1990, they feel more confident in both their sense of personal security and the security of their property – *'it is not 1993 anymore, when everybody was afraid to walk on the streets because of the bandits. Everyday there was a murder, a rape...'* (FGD participant, male, Chişinău). The HHS also indicated that levels of personal security are considered to be stable (65.9% of respondents) or to have improved over the last year (13.2% of respondents) by the majority of Moldovans. Only 14.7% of respondents in the HHS felt that their personal safety had deteriorated over the last year.

Improved levels of security are also reflected in perceptions of both street crime and organised crime, with slightly more people thinking that both these types of crime are diminishing rather than increasing:

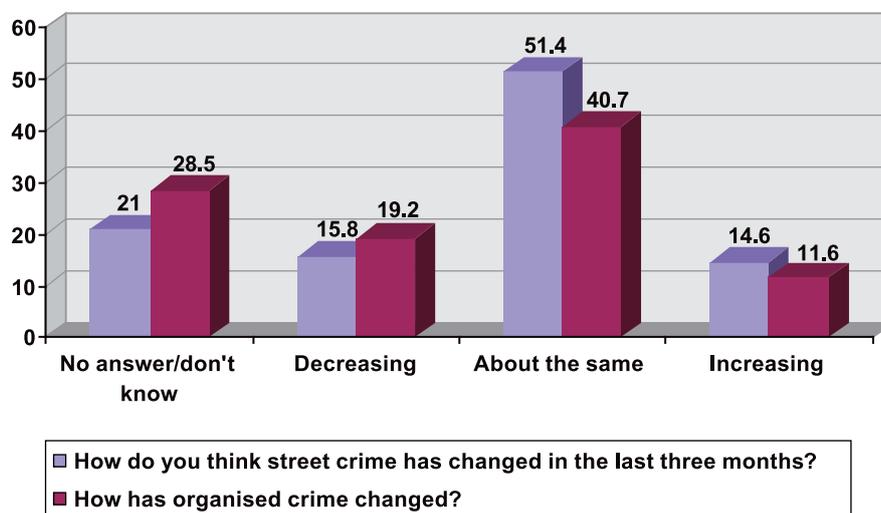


Figure 16: Perception of changes in street crime and organised crime (Base N = 1518)

Indeed, several FGD respondents expressed the opinion that their personal feelings of security had improved and that this was in part attributable to societal development – *'together with the development of modern technology, human co-operation becomes more secure, more transparent'* (FGD participant, Male, Chişinău). However, some respondents suggested that while a fall in crime levels had been reported by the police, this was actually a result of people not reporting crime (a tendency that may be caused by a lack of trust in the police). There are also some indications that petty or minor crime, such as hooliganism, is actually increasing – *'...[I'm] not that secure, because the number of hooligans has risen and they are present everywhere', 'it is much worse*



now – more parents are abroad – children are aggressive, the information they take from the TV and the movies is very aggressive’ (Female FGD participants in Chişinău and Ungheni).

There appears to be a discrepancy in perceptions of personal security and crime between rural and urban respondents in the HHS, with a higher number of rural respondents feeling more secure and perceiving their security situation to be stable or improving than their urban counterparts. Fear that the respondent or his family may become the victim of crime was much more pronounced amongst urban (68.1%) than rural (51.0%) respondents. A larger proportion of urban respondents (16.0%) thought that their personal security had deteriorated than rural respondents (13.8%). A far larger proportion of rural respondents also thought that street crime (19.7%) and organised crime (22.2%) had diminished in the last three months than their urban counterparts (street crime – 10.2%; organised crime – 15.0%).

Chişinău is considered to be the most insecure place in Moldovan Government-controlled territory, in terms of worsening personal security (18.7% compared to the average 14.7%). Respondents from Chişinău were more afraid that either they or their family might become a victim of crime (70.9%, compared to the average of 58%). They were also more likely to state that street crime (20.1%) and organised crime (16.7%) is increasing. Surprisingly, while the proportion of Chişinău residents (13.7%) who think that their community is more dangerous than other areas of Moldova is above the national average (7.6%), so is the proportion of Chişinău residents who think that their community is safer than others (34.1% compared to the national average of 30.4%).

Communities living in the Security Zone had a different range of security concerns from those expressed by other Moldovans and these are examined in more detail in Section 9.

5.2 Perceptions of security providers

A general lack of faith in the ability of state institutions to fulfil their role as security providers was expressed in both the FGDs and the HHS. Several FGD participants attributed their feelings of insecurity to the insecurity and weakness of the Moldovan state – ‘We are not sure about anything, we have nothing to rely on...the state is so weak...we can’t face political or military disorder because we are too weak’; ‘If something happens, I have nobody and nothing to rely on...’ (Male FGD participants, Chişinău).

In particular, there appears to be a low level of confidence in the police and its ability to deal with crime. The HHS shows that just 54.1% of Moldovans would turn to the police for protection if they or their family were threatened with violence:

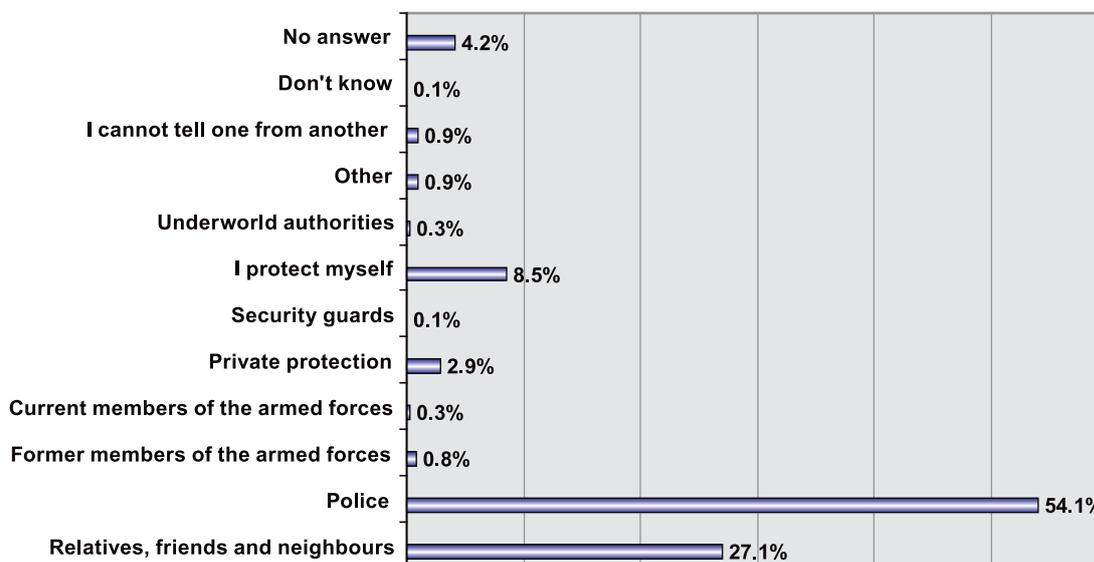


Figure 17: Who would you turn to first if you or any of your family were threatened with violence? (Base N = 1518)



This compares poorly with similar research in the rest of SEE, where a larger proportion of the national population would first turn to the police (e.g. Bulgaria - 75.1%).⁷² This low level of trust in the police would seem to suggest that the police crime figures are inaccurate as nearly 50% of Moldovan citizens would not turn to the police first for help, and are hence less likely to report crimes to them. Indeed, while several participants in the FGDs stated that they had not turned to the police following minor robberies because they did not think it was worthwhile, some respondents stated that people do not generally turn to the police through a lack of trust.

In general Moldovans tend to feel that the police are not competent and are unlikely to solve crimes reported to them. This perception was supported by feedback from those HHS respondents who had been a victim of crime. Of those respondents in the HHS who stated that they had recently been a victim of crime (54 respondents out of 1,518), a minority stated that they had contacted the police and the crime had been solved. More than a third stated that they had not contacted the police at all:

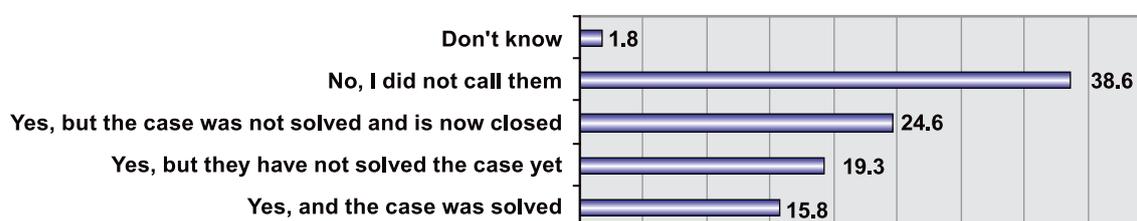


Figure 18: Did you call the police? (Base N = 54)

FGD participants could also recall few situations when cases reported to the police were solved. More often than not after reporting a crime the victim did not hear from the police again. There was also a feeling that the quality of police service had actually declined in the last three years, with police officers being more corrupt, aggressive, indifferent and incapable.

A number of FGD respondents stated that they try to solve problems themselves without turning to the police or other state authorities. It seems that in these cases influential contacts are important in order to solve crimes - 'When I was changing money, the guy counted the money and he took 400 Lei (US\$ 31) from the sum. They do it openly, saying 'look the police are here. Do you think they don't know what we're doing here? Try to solve it if you can!'...then I decided to talk to an influential friend, after which I got my money back' (FGD participant, Male, Chişinău).

While representatives from the police have acknowledged that problems exist between the public and the police, it is thought that these are manageable problems. In spite of these negative perceptions, the police were thought to be more efficient in protecting society from violent crime than the Moldovan Government, judiciary and army:

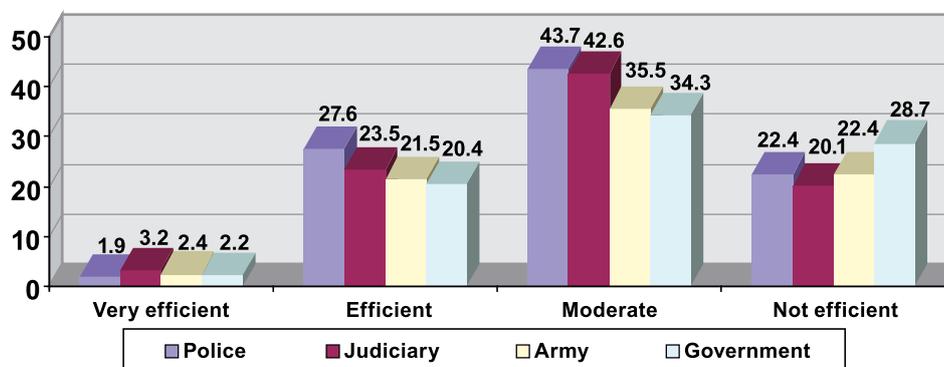
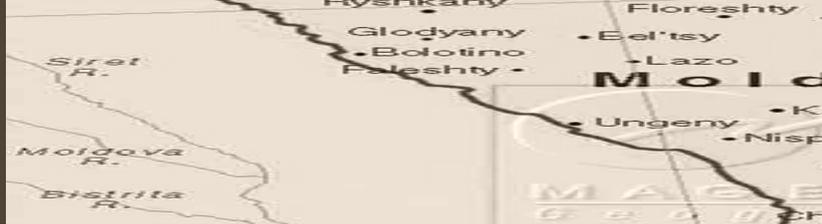


Figure 19: How efficient do you judge the following institutions in protecting society from violent crime? (Base N = 1518)

⁷² Op cit, Rynn, S. et al. 65% of respondents in Serbia answered 'police' to the slightly different question, 'Who do you consider most responsible for the security of you and your family'. Op cit, Taylor, Z. et al.



This more positive view of the police may well be due to the higher levels of contact that the general population has with the police than with the other services and a consequent greater level of knowledge of police functions. This is reflected in the fact that only 4.5% of respondents gave no answer or stated that they 'do not know' when asked to evaluate the police. This statistic was much higher for the other services (judiciary – 10.6%; army 20.1%; Government 19%).

5.3 Knowledge of SALW

During the FGDs, male participants showed a greater understanding of, and affinity with, weapons than female participants, who generally exhibited a negative attitude towards gun ownership. This assessment was confirmed by the HHS, where a higher proportion of men (49.8%) than women (15.5%) either 'somehow disagreed' or 'strongly disagreed' with the statement 'I do not know how to use weapons', although the high response for men is likely to include a significant element of bravado. The same question also showed that knowledge of weapons was greater amongst rural respondents than amongst urban respondents. Respondents from the age range 30–39 also seemed to have an above average understanding of SALW. Further, responses to the question show that knowledge of weapons increases in line with increases in salary:

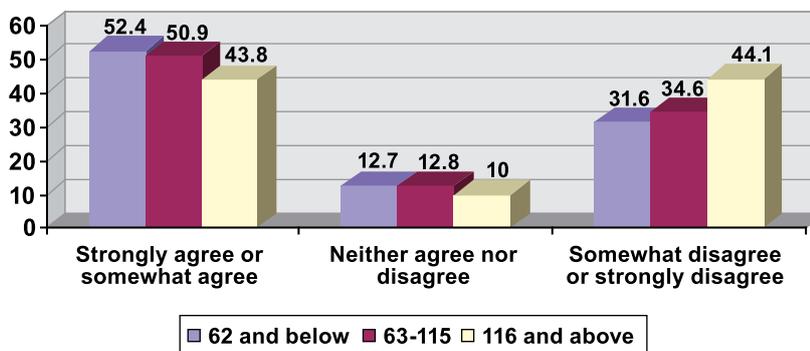


Figure 20: To what extent do you agree or disagree with the following statement? 'I do not know how to use firearms' (responses by income bracket, US\$/month) (Base N = 1518)

The trend could be taken as evidence that Moldovans with a higher income are more likely to buy and use weapons, either for hunting, sporting or self-defence purposes. It also suggests that as Moldova's economic situation improves and Moldovans become wealthier, the trend will be towards increased levels of possession for leisure or protection purposes. There are various possible reasons for this trend, including: being able to afford weapons, having a greater fear of burglary due to the ownership of more personal property, and hence a greater desire to defend oneself and the perception that a weapon is an important status symbol.

5.3.1 Safe handling and storage

Although more respondents in the HHS stated that they did not know how to use weapons (38.3% strongly agree; 10.8% somehow agree) than that they did (25.1% strongly disagree; 10.5% somehow disagree) there was a high level of understanding of good weapon ownership practice and safe storage procedures. The vast majority of respondents (79.1%) stated that they would never lend their weapon to a friend or family member if they needed it. The vast majority of respondents also either 'somehow agreed' or 'strongly agreed' with the statements, 'Guns should always be stored unloaded' (80.1% of all respondents) and 'Guns should always be stored locked, when not in use' (84.7%). Although this knowledge of safe handling is weaker than in Bulgaria (90.2% and 91.2% respectively),⁷³ it is still very positive.

The HHS also showed that Moldovans are generally against individuals being allowed to keep their weapons at home, with a majority of respondents thinking that only the police should be permitted to keep weapons:

⁷³ *Op cit*, Rynn, S. et al.

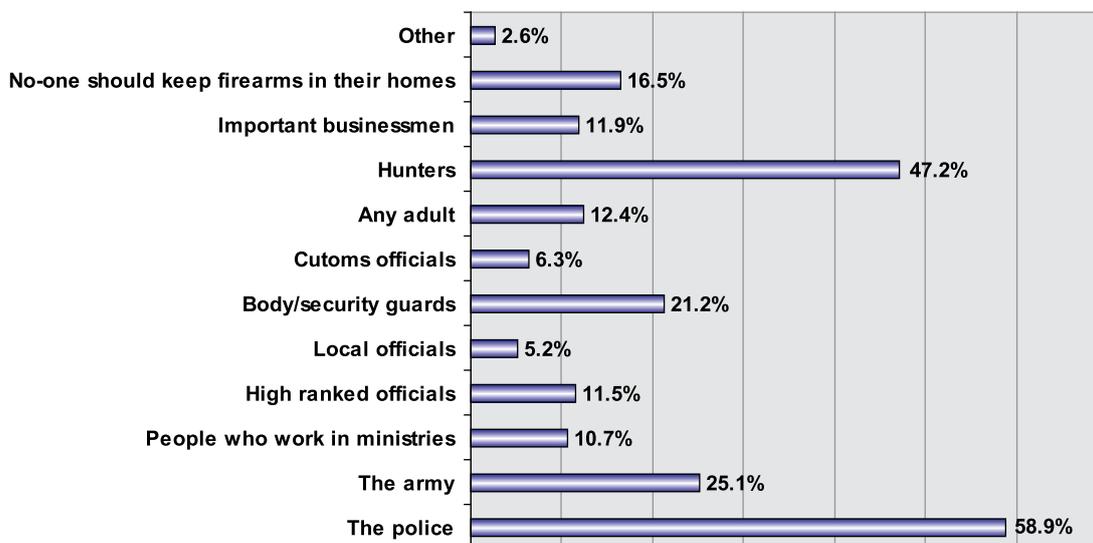


Figure 21: Who do you think should legally be allowed to keep firearms at home? (Multiple response)
(Base N = 1518)

5.3.2 Domestic laws

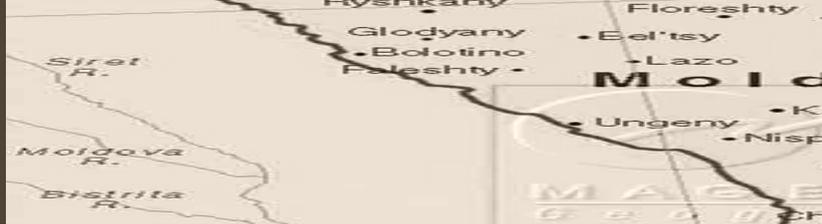
The Moldovan public appears to be unaware of the law governing domestic weapon ownership and use by individuals and legal entities, or of the government institutions responsible for enforcing that law. This lack of knowledge is highlighted in the HHS, where a large proportion of respondents were unable to answer questions related to weapons registration and licensing. For example, 32.9% of all respondents to the question, 'Do you find the procedure for registration and licensing of weapons efficient?' chose the option 'I am not familiar with it'. In addition 14.6% of respondents chose the options 'don't know'/'no answer'. It can, therefore, be argued that between 32.9% and 47.5% of Moldovans are not aware of the law governing weapon possession and use. The same questions also indicate that Moldovan women have a weaker understanding of domestic SALW legislation than men. For example, 29% of male respondents stated that they were unfamiliar with the procedure of registration and licensing for legal weapons possession, compared to 38.4% of female respondents. Knowledge of registration and licensing is weaker amongst rural respondents (36.5% are unaware) compared to urban respondents (27.7%), is better amongst the higher educated (only 28.8% are unaware) and improves as the respondents' wages increase.

The FGDs also indicate that Moldovans are unsure which weapons can be owned and bought legally – e.g. *'I know that in Moldova selling guns is forbidden, except gas cylinders'* (FGD participant, Male, Chişinău).

The HHS and the FGDs also demonstrated that Moldovans feel that the weapon licensing system is both overly bureaucratic and too expensive. There is, however, a degree of confusion as to whether the present weapon licensing system is effective. While the majority of those who answered the question 'Do you find the procedure for registration and licensing of weapons efficient?' gave a positive answer (62.4%), the majority of HHS respondents also thought that greater control of legal permits would increase security in Moldova.

5.3.3 Production

Considering that Moldova does not officially maintain SALW production capacity, it is surprising to note that 21.1% of all respondents stated that they know that Moldova manufactures weapons and military equipment. A significant proportion of HHS respondents also think that Moldova should have its own production facilities (29.1%) or should have its own sources of military equipment (34.9%).



5.4 Perceptions of ‘gun culture’

The HHS and the FGDs confirm the view expressed by the majority of those interviewed by the Survey team, that Moldova does not have a traditional gun culture. For example, HHS respondents generally did not feel gun ownership to be necessary in every household:

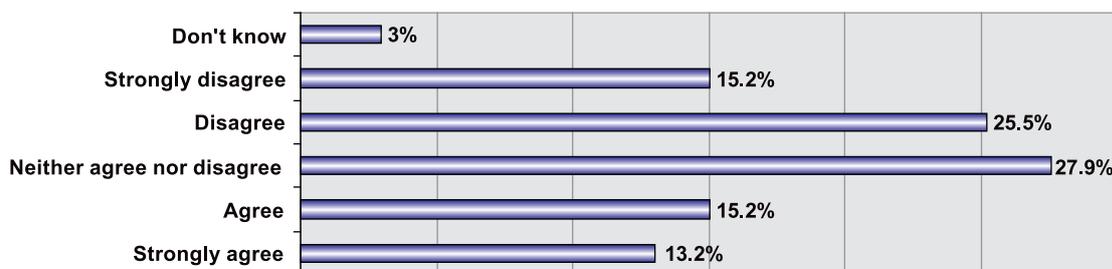


Figure 22: To what degree do you agree with the following statement? ‘A house is not safe without a firearm’ (Base N = 1518)

Further, only 5.9% of respondents to the HHS thought that it was appropriate for persons under 20 years of age to start handling weapons and the vast majority of respondents (73.3%) thought that sports/hunting provided the circumstances under which it is acceptable for people to have weapons. Indeed, only 10.7% of respondents thought that it was acceptable for people to have weapons for ‘traditional reasons’. Both the FGD participants and interviewees agreed that Moldovan society does not exhibit a gun culture.

Comparisons with Moldova’s neighbours also show that, with the exception of Bulgaria, the use of weapons in general and celebratory gunfire in particular, is lower than in much of SEE:

COUNTRY	PERCENTAGE OF RESPONDENTS WHO HAVE WITNESSED THE USE OF A WEAPON	PERCENTAGE OF RESPONDENTS WHO HAVE WITNESSED CELEBRATORY GUNFIRE
SCG (Serbia)	48%	40%
Albania	41%	27%
Moldova	17%	7%
Bulgaria	12%	6%

Table 25: Comparison of celebratory gunfire in South Eastern Europe

(Source: Centre for the Study of Democracy, Bulgaria)

Although the HHS and the FGDs point to the fact that there is no traditional gun culture in Moldova, there are indications that weapons have some residual significance, such as low level use during celebrations. For example, while only 2.6% of respondents think that celebrations are the most likely place to see people carrying weapons in their neighbourhood, 15.1% of those that had actually seen a weapon being used (2.6% of all respondents) witnessed this use at celebrations. There are also indications that Moldova may be in the process of developing a ‘modern’ gun culture, in which guns have the same symbolic effect as jewellery, especially amongst the young and the rich.

5.5 Perceived distribution of SALW

5.5.1 Numbers and distribution

While the low priority given to controlling arms proliferation in the community might superficially suggest that Moldovan Government-controlled territory has very low levels of weapon ownership, both the FGDs and the HHS



indicate that Moldovans feel that weapons are actually distributed quite widely. All the FGD participants stated that some of their friends, relatives and/or neighbours possess weapons. Further, 5.7% of all respondents to the HHS claim to have a gun at home, while 11.1% thought that their neighbour had a weapon. However, both respondents to the FGDs and the HHS had difficulty in quantifying the number of weapons in society.

The HHS shows that, on the whole, Moldovans perceive there to be lower levels of weapon ownership amongst households in their community than in the rest of the country (and even lower levels amongst the households of friends and families):

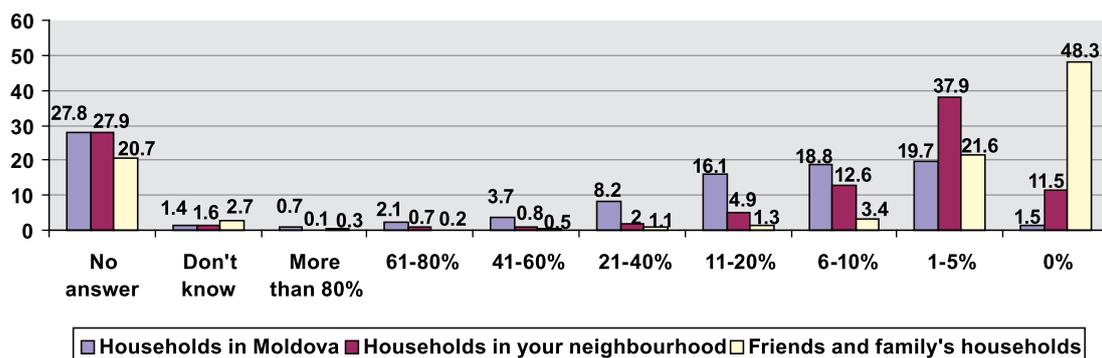


Figure 23: In your opinion, what percentage of ... has at least one working firearm? (Base N = 1518)

On average, therefore, Moldovans think that between one and five percent of all households in Moldova have at least one working weapon. A large majority of Moldovans (including those from urban areas) also think that weapons are generally more widespread in cities rather than rural areas and that Chişinău (30.5% of respondents) has the largest concentration of weapons. Although 42.9% of respondents in the HHS stated that one cannot see anyone apart from security services personnel carrying weapons in their community (which compares favourably with other SEE countries, e.g. only 31% in Bulgaria), weapons are still seen in a number of different community contexts:

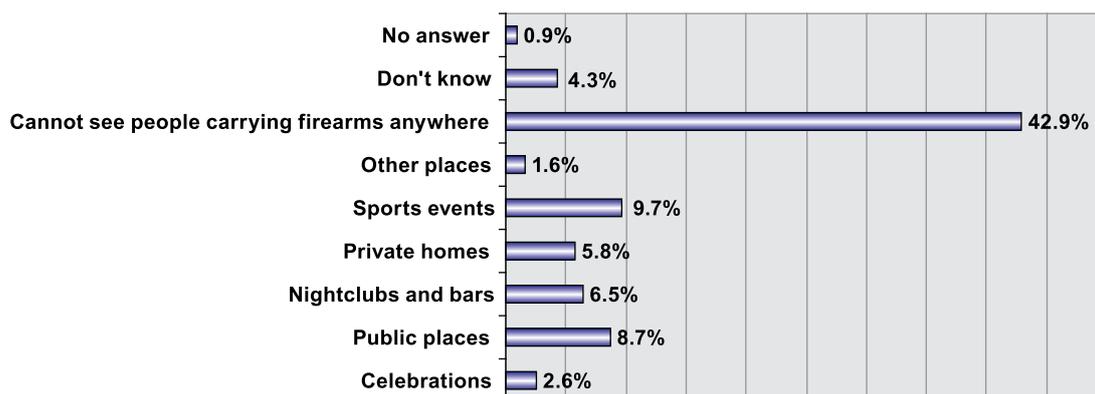
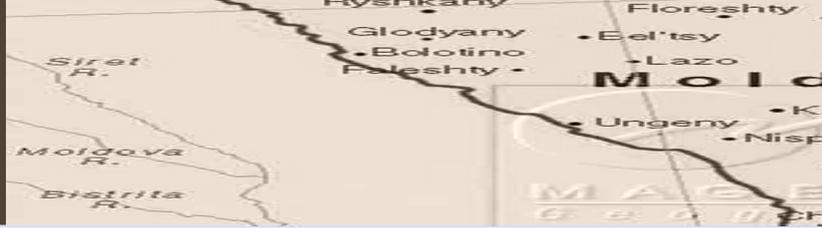


Figure 24: Where are you most likely to see people carrying firearms in your neighbourhood? (Base N = 1518)



5.5.2 Gun owners and use

Outside of the security services, organised criminal groupings and business persons were perceived as being the largest gun owners in society:

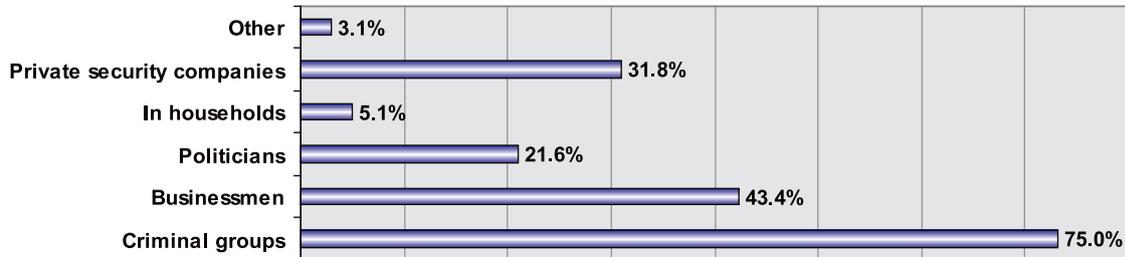


Figure 25: In which parts of Moldovan society are firearms most abundant (except in the police, army, gendarmerie, etc)?
(Base N = 1518)

This perception of high levels of weapon proliferation amongst businessmen is supported by results from the FGDs. With one exception, all the business FGD participants possessed either a hunting rifle or a pistol. According to these men, ‘the majority’ or ‘90%’ of businessmen possess weapons, and those that presently do not will soon buy one.

While a significant proportion of respondents think PSCs comprise the section of society in which weapons are most abundant, according to the MIA, only 445 weapons are registered to PSCs. This discrepancy might be due in part to the apparently high level of weapon ownership by internal security divisions (approximately 4,590 weapons). 26–35 year olds and 36–50 year olds are thought to be the age groups most likely to have weapons.

Aside from self-protection and protection of family and property, HHS respondents thought that Moldovans keep weapons for sports shooting and hunting:

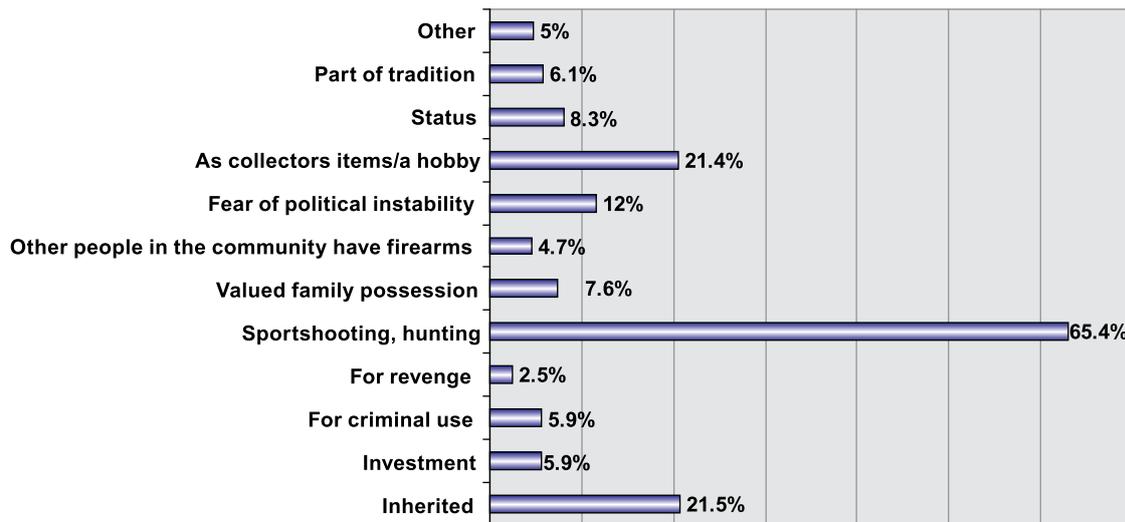


Figure 26: Aside from protection of self, family and property, what are the three main reasons for people to keep firearms?
(Base N = 1518)



FGD participants also indicated a number of weapon uses:

- For hunting;
- Display and use at parties for leisure and at meetings with friends;
- Participants in the business FGD said that they carry their weapons when transporting large amounts of money or when coming home late; and
- A number of FGD participants could recall incidents in which they had used their weapon to warn someone who had threatened them or their possessions – e.g. ‘... somebody came to him with a gun and held him to the floor, but he had a boy of 18-20 and his boy had a gun... he took it and fired in the air and that is how they survived’ (FGD Participant, Female, Security Zone).

5.5.3 Type of weapon owned

FGD participants identified a range of different weapons owned by friends, family or relatives, from illegal weapons, such as automatic grenade launchers and Kalashnikov automatic rifles, to legal ones, such as pistols and hunting guns. Hunting weapons and pistols were identified as the most common type of weapons owned by civilians. At least one person in each of the FGDs had a gun at home and in the majority of cases it was a hunting rifle or a pistol. Some participants had both. Several FGD participants knew people who collect guns. FGD participants also declared that they have friends or neighbours that use weapons for hunting. Respondents to the HHS also thought that hunting weapons and self-defence weapons are the most widespread type of weapon:

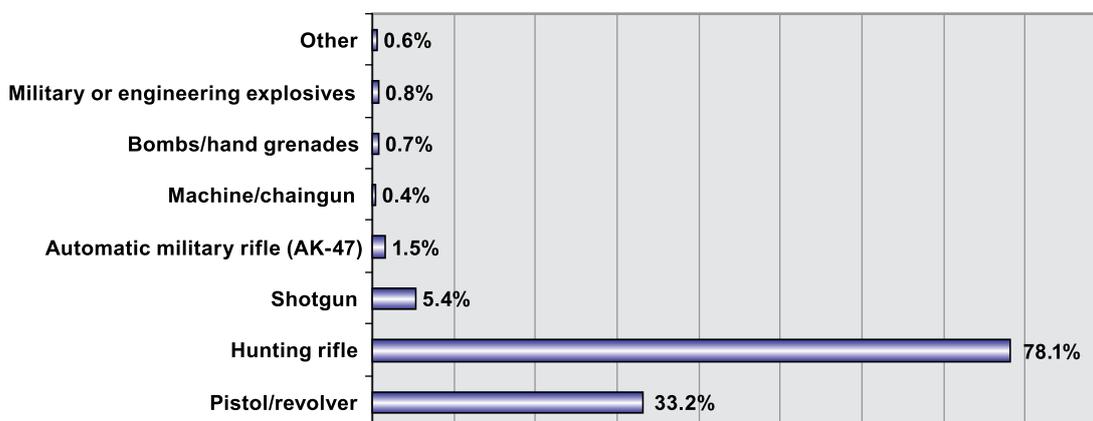


Figure 27: If any, what type of weapons do ordinary citizens most commonly have?
(Multiple response) (Base N = 1518)

5.5.4 Licences and illegal weapons

Both the FGDs and the HHS provided a mixed picture of the level of illegal weapon ownership in the territory under the control of the Moldovan Government. Although all FGD participants know at least one gun owner, they frequently stated that they could not be sure whether these guns are registered, but since their owners display them in public this seems likely. Some of the participants believed their acquaintances' weapons to be registered because they were bought in specialised weapon stores, while others knew that their acquaintances have had hunting licences for a considerable amount of time. However, some FGD participants were certain that their acquaintances had illegal weaponry such as grenades or automatic rifles and reasoned that other legal types of weapons were illegally kept as their owners' feared insecurity or were psychologically unstable. The HHS also indicates that Moldovans are unsure of the level of illegal weapon possession:

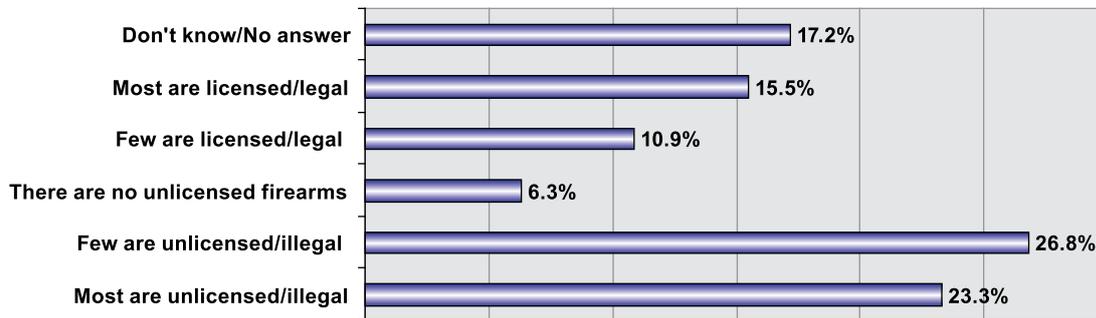


Figure 28: Do you think that most firearms in private possession are legal (i.e. licensed), or illegal (i.e. unlicensed)? (Base N = 1518)

Appreciably more respondents from the highest wage bracket (32.6%) and from Chişinău (36.1%) thought that most weapons are unlicensed. A range of different reasons were provided by both the HHS and FGDs respondents for individuals choosing to buy and own guns illegally:

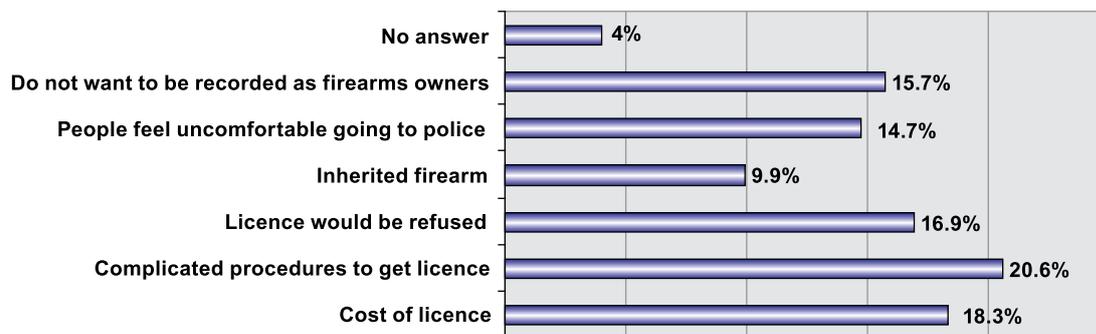


Figure 29: In your opinion why do people choose to illegally possess guns? (Base N = 1518)

Those FGD participants that discussed acquiring a weapon illegally stated that the main reason for doing so would be the likely lower price. They considered it possible to acquire a weapon very cheaply, as 'with \$200 - 300 you can buy a very good pistol'. The FGD participants also thought that the illegal market offers a wider choice of weapons. Further, some participants stated that buying a gun illegally enables the avoidance of what is considered to be prohibitively bureaucratic procedures, including regular checks of weapon and storage standards, associated with legal gun ownership.

Several FGD participants stated that they possess unregistered guns and two participants had tried to register their weapons. These participants decided not to register them through a lack of trust in the police and a fear that their weapon would have been taken or that they would have been punished - 'My father gave me a hunting gun for my birthday... I can't register it, because it is bought without papers. I don't even know where from. I asked my friends - policemen - about it and what can be done and they told me that the only solution is to wait till a hunter dies and to say that he left the gun as inheritance with no papers because he lost them' (FGD participant, Male, Chişinău). The majority of FGD participants also felt that those people in the possession of unregistered weapons would not legalise their weapons because of a distrust of the police.

Further reasons provided by FGD participants for not registering a weapon include:

- High levels of bureaucracy;
- The high cost of buying and maintaining a safe to store the weapon in;
- The registration criteria - 'For legalisation special conditions are necessary, if one cannot fulfil these conditions - the gun is confiscated even if you're not punished' (FGD participant, Female, Chişinău);



- The ownership of weapons that have been imported illegally into the country;
- The fact that the owner has already committed or intends to commit various crimes with their weapons; or
- The ownership of high calibre guns, which cannot be owned legally by individuals in Moldova, and which date from the 1992 conflict.

These incentives for buying an illegal weapon were, however, contended by some participants, who thought that the registration procedures were not overly complicated and that legal prices were not that high. Indeed, some of the FGD participants stated that they would only buy a gun from a registered gun shop in order to ensure that it was legal. The FGDs and the HHS indicate that, on the whole, Moldovans would like to see all weapons registered. For example, the majority of respondents to the HHS stated that they would advise a friend who sought advice on what to do with their weapon, to either register it (34.3%) or surrender it (42.3%).

While the majority of participants agreed that demand for imported illicit weapons is not that high in Moldovan Government-controlled territory, FGD participants were able to identify a number of illicit sources of weapons. The FGD participants consider Transdnistria and Odessa to be the two main sources of illicit guns in the region. According to the FGD participants, guns from Transdnistria were sold commercially in the rest of Moldova in the period between 1992 and 1995. Some participants knew that weapons had been brought back to the rest of Moldova by combatants in the Transdnistrian conflict, although they were not sure what had happened to them consequently. For example, two of the FGD participants had acquired their own weapons during the Transdnistrian conflict. While FGD participants were able to identify these sources, they also thought that imports of weapons from Transdnistria are now rare, mainly due to the fact that there is now little demand or market for them.

One respondent said that he bought his weapon abroad and imported it illegally into the country – ‘I bought it in Germany because it is much easier to buy it there, it was enough to show an ID and you could buy it easily... I brought it illegally to Moldova... I keep it home, but I didn’t record it – I have no safe. I keep it hidden, in order that my child does not find it. I don’t record it because it wastes too much time, but most importantly – because they will ask me where did I get it...’ (FGD participant, Male, Business).

Whatever the actual level of arms trafficking, it is still perceived to be a problem for Moldova, although less so for the respondents’ communities:

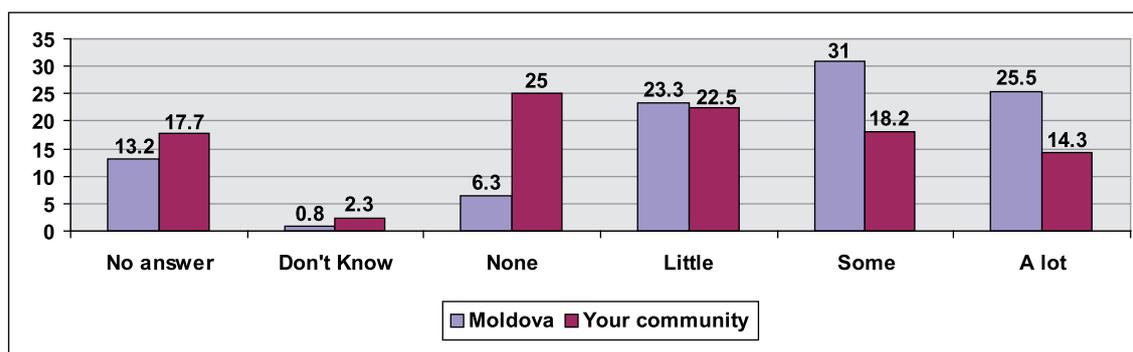


Figure 30: To what extent is illegal weapons trafficking a concern in ... ? (Base N = 1518)

5.5.5 Future levels of weapon ownership

Although the FGD participants identified more disadvantages in possessing weapons than advantages and the majority of respondents are against civilian gun possession, the majority of the participants also think that the number of gun owners will increase in future due to a number of factors:

- The number of people with good levels of income is increasing;
- A lack of trust in the police to provide necessary security;



- Influences from the USA, through the media – ‘...on the other hand it is this influence of the American way of living which dominates us and thus, the number of people wanting to possess [things] such as jewellery increases, because a lot of people have expensive cars and if you have an expensive car why not have such a toy [i.e. a weapon], too?’ (FGD participant, Male, Chişinău);
- The perception of guns as being something ‘up-to-date’ and a must-have item – ‘You know the way it usually happens, it is up-to-date: if the others have a car, I want to have one, too! If the others have a gun, I want to have one, too! This is the way Moldovans think...’ (FGD participant, Female, Chişinău); or
- Because it is a societal tendency – ‘I work at the Fiscal Inspectorate and I know that the ‘Cartuş’ enterprise is a significant taxpayer... their income increases annually. I mean, guns are still obtained legally, too, and the number of people possessing guns increases’ (FGD participant, Female, Chişinău).

5.6 Perceived impact of SALW

The low priority given to tackling weapon proliferation by respondents in the HHS indicates that weapons are not considered to have a substantial impact on the community. The majority of Moldovans also feel that the number of crimes using SALW is falling (35.4%), or falling a lot (15.9%). This reflects a general trend in perceptions that society is stabilising or becoming safer. Even though greater control of arms proliferation is not considered to be a priority by the majority of HHS respondents, the majority of Moldovans still think that greater control of weapon permits would either increase security a little (31.9%) or a lot (35.5%). This could be seen as indicating that illegal weapon ownership does have an impact on Moldovan society. Further, there were nearly as many respondents who thought that the availability of arms is a major concern in the area that they live, as thought that it is not a major concern:

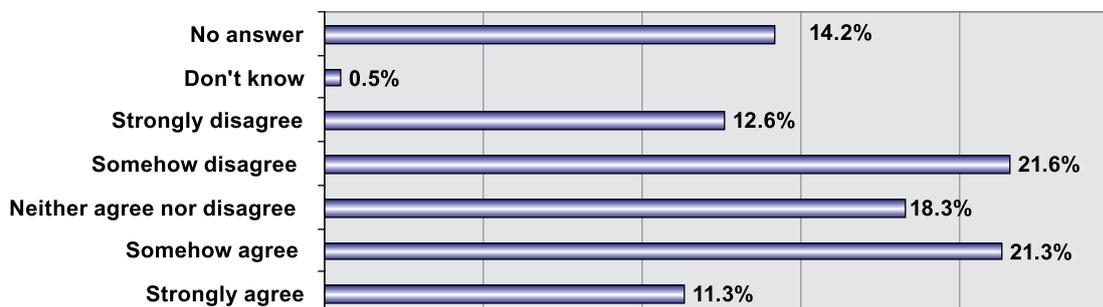


Figure 31: To what extent do you agree with the following statement? ‘Availability or use of firearms is a major concern in the place I live’ (Base N=1518)

This seems to indicate that there is a degree of confusion over whether arms proliferation (both legal and illegal) presents a threat to the local community. A larger proportion of Chişinău residents and urban respondents either somehow agreed (Chişinău – 27.8%; urban – 26.1%) or strongly agreed (Chişinău – 22.7%; urban 16.3%) that the availability of arms is a major concern in the place that they lived.

5.6.1 Use of weapons in society

A number of HHS and FGD participants had personal experience of weapons being used in society. 17.3% of all respondents to the HHS had personally witnessed a situation where weapons were used, with men (23.3%) being much more likely to have witnessed weapons use than women (9.0%), as are those in the higher income brackets (22.2%). Weapons use had been witnessed by HHS respondents in various situations:

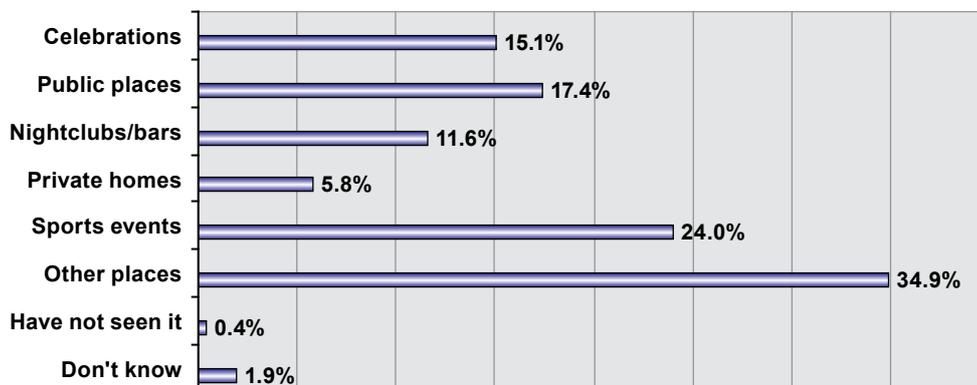


Figure 32: In what kind of situations have you witnessed firearms being used? (Base N = 263)

The FGD participants thought that the majority of incidents involving weapons occur when the weapon owners are drunk – ‘My husband was shot when the gun owner was drunk, but fortunately he was OK. That man doesn’t keep his gun in a safe, but in his bed... that night a policeman came and took his gun and returned it the next day.... if that man’s aim had been better, then my child would have no father today’ (FGD participant, Female, Chişinău).

A surprisingly high proportion of respondents to the HHS indicated that conflicts in their community can involve weapons:

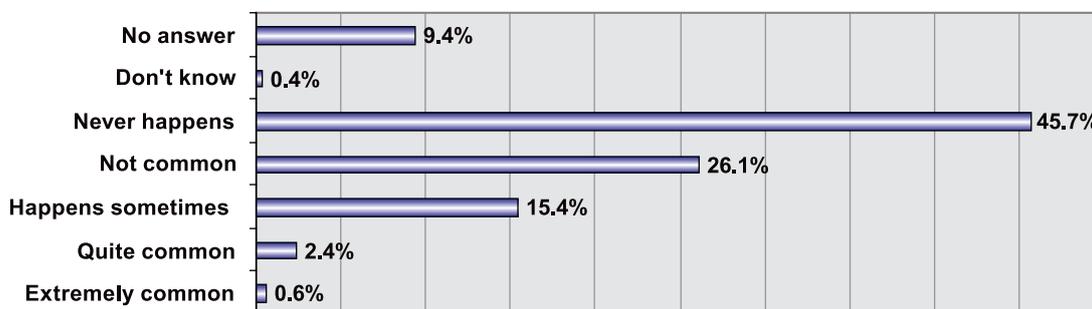


Figure 33: How common is it for conflicts in your community to involve firearms? (Base N = 1518)

The FGD participants confirmed that conflicts in their community sometimes involve weapons. One FGD participant had also witnessed a fight between two armed groups – ‘There were shots fired from two cars on one of the streets in Chişinău, it was during the day and I understood the danger only afterwards...’ (FGD participant, Female, Ungheni).

Box 7: Guns, ‘fun’ and public use

It is not uncommon for weapons to be used in public places such as discos. Men are more likely to see weapons in nightclubs and bars and other public places than women. Respondents falling into the higher wage bracket, respondents who had received a higher education and Chişinău residents were much more likely to see weapons in night clubs and bars (20%, 19.4% and 26.4% respectively) and other public places (23.3%, 27.4% and 32.1% respectively). These statistics are confirmed by the FGDs, during which young people identified bars, discos and other leisure venues as places that they found dangerous.

Several FGD participants were able to recall incidents in which weapon had been used or displayed in a disco – ‘just this Saturday I was at the disco...somebody was taken out from the room – a boy shot somebody with some rubber bullets. The one that shot ran away. I was ten metres away from that boy. I could have gotten hurt or somebody else’ (FGD participant, Male, Ungheni); ‘There was a party, and a guy showed a gun saying, ‘look what I got...let’s do something with it’. I forgot about the party, and about the gun, too. It is dangerous for such a person to possess a gun especially when he gets drunk’ (FGD participant, Male, Chişinău).



5.7 Attitude towards SALW possession and use

5.7.1 Acceptable reasons for owning a weapon

The HHS indicates that Moldovans consider sport and hunting pursuits to be the main valid reasons for weapon ownership:

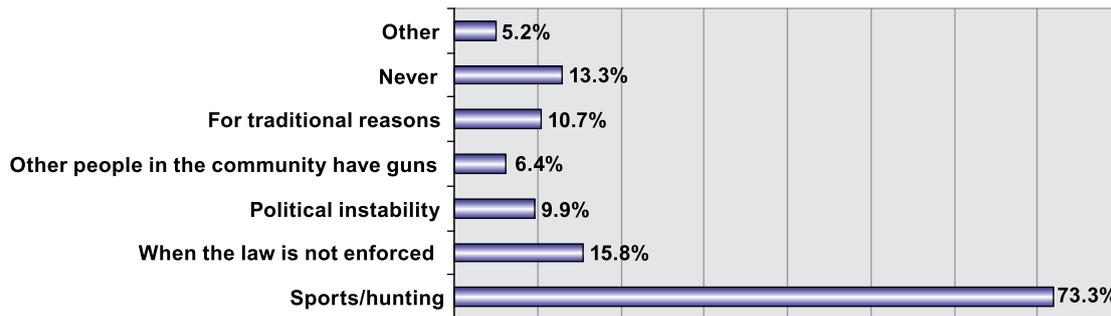


Figure 34: In your opinion, under what circumstances is it acceptable for people to have a firearm?
(Base N = 1518)

In general, Moldovans think that, with the exception of hunters, civilians should not have weapons. The second most acceptable reason for possession of a weapon is considered to be when the law is not being enforced by the relevant authorities (15.8%). The participants in the FGDs generally thought that businessmen and political leaders that feel threatened or want to protect their property should be allowed to possess a weapon. They did not, however, think that other parts of society needed guns for self-protection – *'In case businessmen or their representatives have problems – it's OK - but common people; I think there is no need for them to possess guns'* (FGD participant, Male, Chişinău). Only 13.3% of respondents in the HHS thought that it is never acceptable for people to have weapons. The feeling that guns are never acceptable was appreciably higher amongst women (16.9%, compared to 10.8% of men) and in Chişinău (21.1%).

5.7.2 Positive perceptions of weapon ownership

Although several FGD participants stated that they would like to own a gun and there was at least one gun-owner in every FGD, participants were reserved about stating the advantages of possessing a gun. The most frequently voiced positive opinion about weapons by FGD participants was that a gun in your home makes you feel secure. The HHS also shows that the majority of Moldovans feel that weapons either have a positive (29%) or some positive (22.9%) impact on feelings of security (although a slightly higher proportion of female HHS respondents than male respondents thought that weapons have a negative impact on feelings of security):

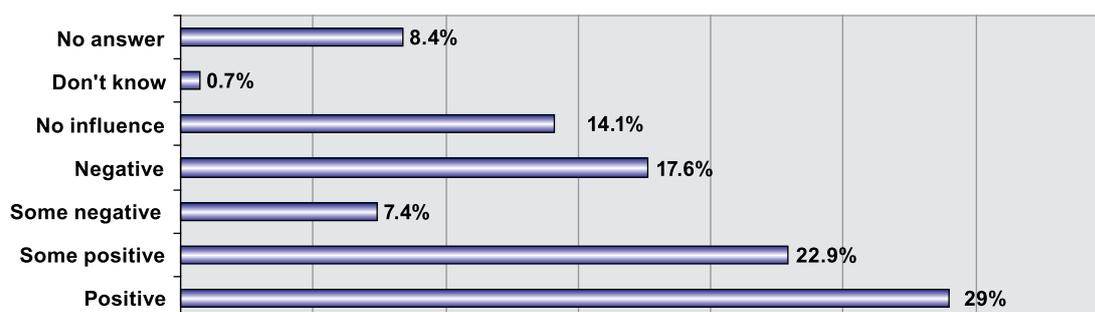


Figure 35: What impact do you think firearms have on feelings of security? (Base N = 1518)



Both the FGDs and the HHS highlighted the fact that the main reason for buying a weapon was self-protection and protection of property. Although only 15.8% of respondents thought that it was acceptable to own a weapon because the law is not enforced, the vast majority of Moldovans would choose to own a weapon in order to protect themselves, their family, their business or property:

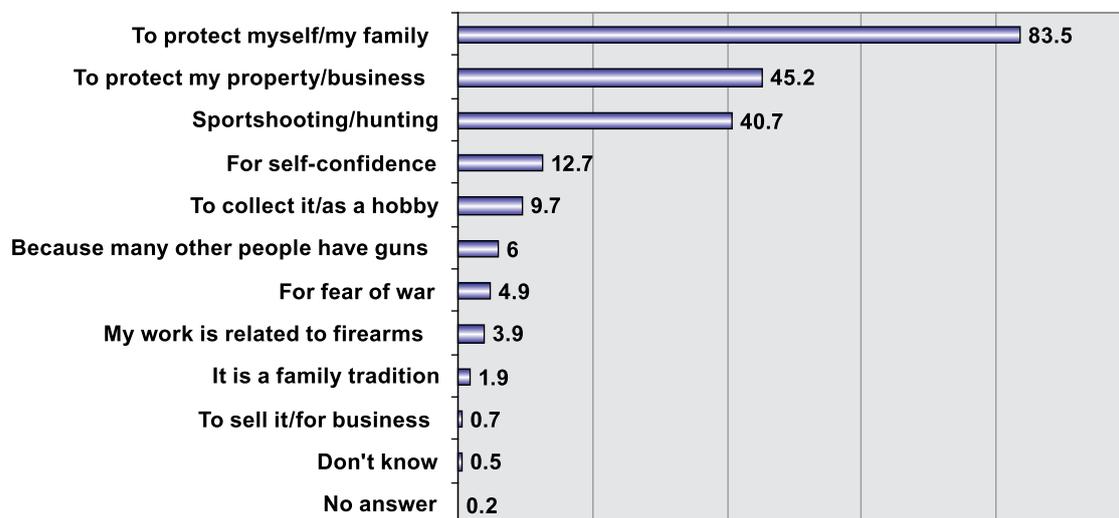


Figure 36: What are the three main reasons why you would choose to own a firearm?
(Base N = 1518)

The link between feelings of insecurity and the wish to own a weapon is evident in the definite correlation between instances of serious crime and increases in demand for weaponry. For example, following a murder in the Botanica area of Chişinău in 2004, gun shop Pulbere received enquires from a range of the victims' relatives regarding self-defence weapons.⁷⁴

5.7.3 Negative perceptions of weapon ownership

On the whole the FGDs produced a very negative attitude to gun-ownership. Participants were generally uncomfortable with the fact that their acquaintances possess weapons – ‘My neighbour, only once asked by my son to shoot, takes the pistol, shows him the way to use it and so on... when you’re 6 you can imagine that everybody possessing a gun is like God and my son couldn’t sleep that night, he was so excited about it’ (FGD participant, Male, Chişinău). A large number of FGD participants were only able to list the disadvantages of having a gun and thought that weapons cannot offer genuine security, but only a psychological sense of security. Results from the HHS show that weapons are generally considered to have a negative impact on both family relations and relations with friends, while there was a general split over how weapons affect personal confidence:

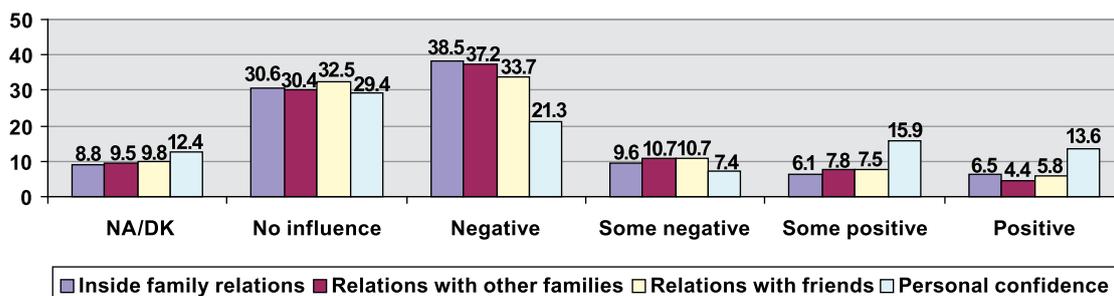
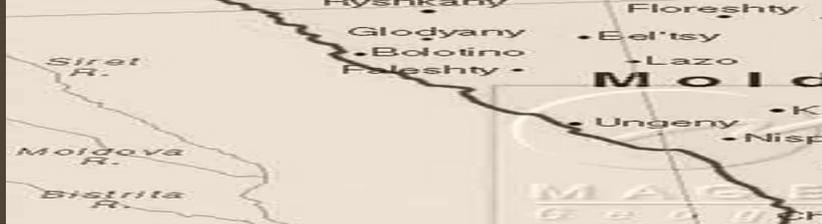


Figure 37: What impact do you think firearms have on the following? (Base N = 1518)

⁷⁴ Alexander Soshchenko, Director, State enterprise gun shop ‘Pulbere’.



Apart from businessmen, the majority of FGD participants stated that they do not want a gun, and all of the female FGD participants were against acquiring weapons. Guns were frequently associated with murder and the disadvantage of owning a weapon most frequently mentioned by FGD participants was the possibility of accidental injury. Even those participants that stated that they wanted a gun in the house, in order to protect their family and possessions, thought that weapons are dangerous and expressed fears that such weapons could fall into their children's hands, as children find guns interesting and don't understand how dangerous they are – *'I have three children and they like to play with it [the weapon], this is why I take the keys of the safe with me. But I am stressed about it anyway'* (FGD participant, Male, Businessmen).

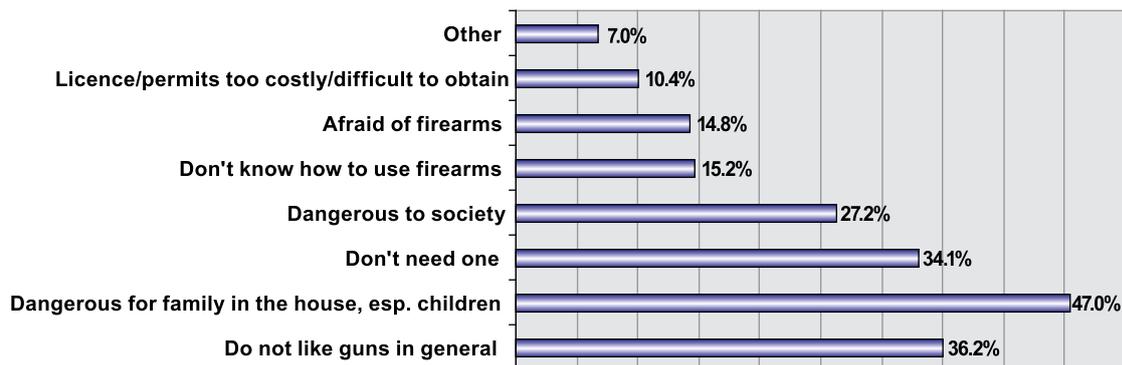


Figure 38: What are the three main reasons why you would choose not to own a firearm?
(Base N = 782)

The FGD participants also expressed the opinion that, in general, Moldovans do not have the training necessary to possess a weapon safely and would not know how to use one appropriately. This feeling was shared by a number of those interviewed by the Survey team. For example, the Chief Doctor of Ungheni Emergency Hospital stated that civilians are not informed about the security measures that have to be taken when dealing with weapons and that most accidents involving weapons occur as a result of the victims' negligence.

It was felt that Moldovans are not generally accustomed to sensible gun ownership and could use them in order to 'solve' minor conflicts – *'I am afraid of possessing guns, my neighbours and everybody around me; because there are different situations and people act differently. I don't know the way my friend or neighbour will act if he possesses a gun'* (FGD participant, Female, Ungheni). It was also thought that the mass media act as a negative influence in encouraging the misuse of weapons. One participant talked about the possibility of his children purposely misusing his weapon if they were upset or angry – *'I have two baby boys and it is quite hard to bring a gun home...the son can get too impressed about it and in case of a conflict acts like that child from the USA when the child took his parents' gun'* (FGD participant, Male, Chişinău). The generally negative appreciation of weapons in Moldovan society is reflected in the fact that the Director of the HFAM gun shop thought that it is the state's duty to protect people, and that weapons are not necessary, except for hunting purposes.

5.8 Attitude towards domestic SALW control

The majority of Moldovans understand the necessity for gun licences with only 15.9% of the respondents in the HHS agreeing with the statement that *'gun licences are not necessary'*. Moldovans also seem to associate tighter control over the licensing process with greater security:

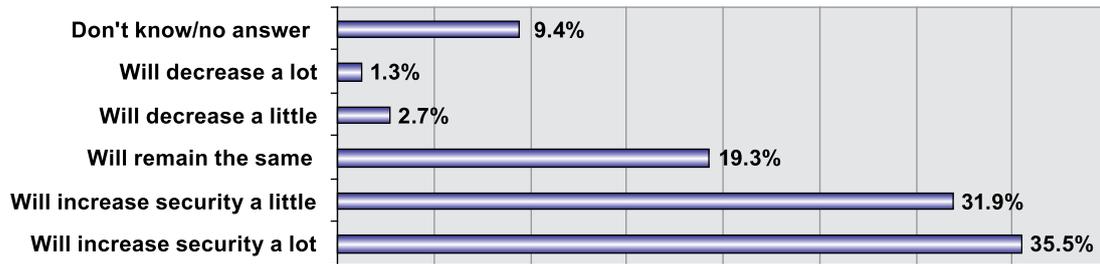


Figure 39: Do you think that greater control of legal permits will increase security? (Base N = 1518)

The above figure could indicate a perception that licences are distributed too easily and could be obtained by inappropriate persons. For example, the FGD participants think that those wishing to possess a weapon should undergo a complex psychological examination, as at present almost anybody can obtain a licence if they are able to pay. FGD respondents also thought that it is necessary to provide better training in keeping and using weapons, mentioning that there are few places especially designed for shooting training (especially outside of Chişinău). Further, the HHS indicates that Moldovans believe that tightening the whole Moldovan SALW control system would increase security in Moldova:

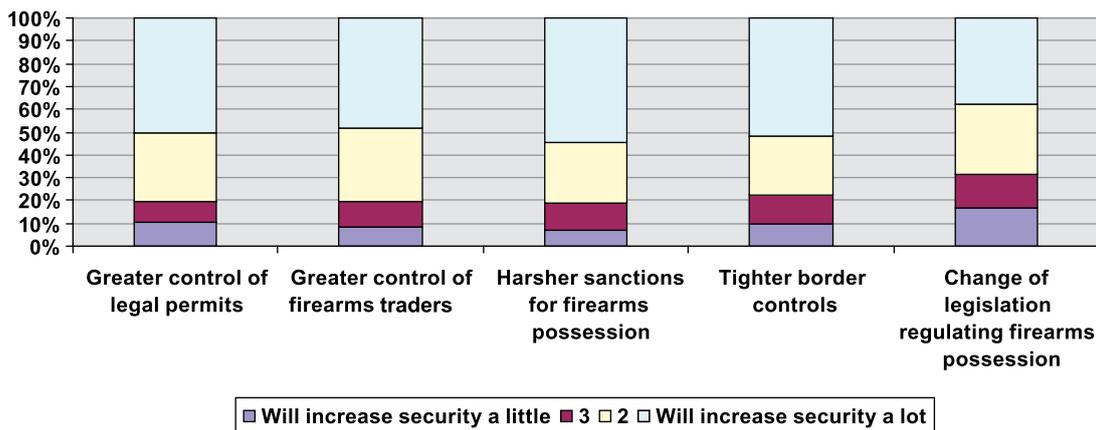


Figure 40: How much do you think each of the following will increase security in Moldova (1 = a lot, 4 = a little) (Base N = 1518)

5.9 Attitude towards controls on production and transfer

The vast majority of respondents thought that Moldova should not export arms to sensitive destinations:

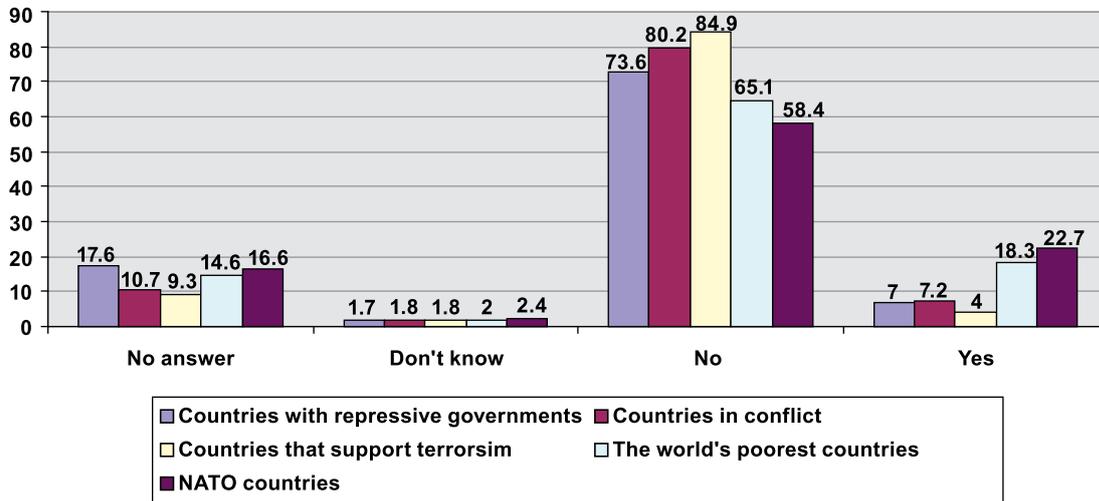


Figure 41: Would you approve of Moldova selling arms to any of the following? (Base N = 1518)

While this response differs from previous research in Bulgaria and Serbia,⁷⁵ where a larger proportion of respondents supported SALW exports (with the exception of transfers to sensitive destinations), this discrepancy can be attributed to the lack of a historical SALW industry in Moldova, and hence less personal interest in SALW production (e.g. for the protection of jobs). A significant proportion of HHS respondents also worried that arms exports could have a detrimental effect on Moldova's international image:



Figure 42: What do you think the international image of Moldova would be in general, if the Government continues to export arms to foreign countries? (Base N = 1518)

⁷⁵ *Op cit*, Rynn, S. *et al*; *op cit*, Taylor, Z. *et al*.

5.10 Attitude towards surplus SALW destruction

Only 29.5% of HHS respondents think that Moldova should destroy the army's surplus SALW and ammunitions:

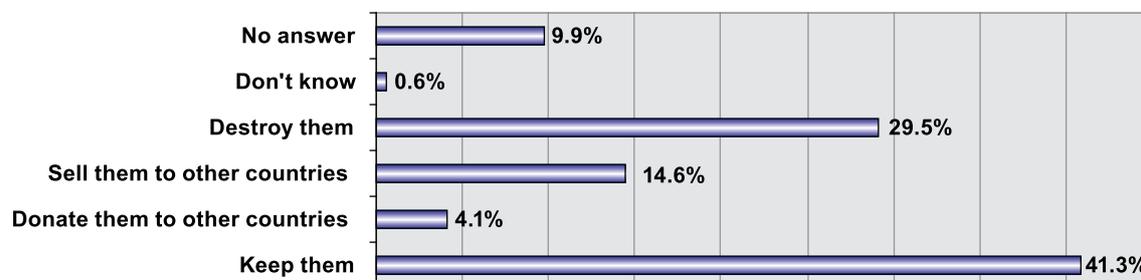


Figure 43: What do you think the Moldovan Government should do with the Army's surplus weapons and ammunition? (Base N = 1518)

5.11 Attitude towards SALW collection

The HHS indicates that Moldovans also have a mixed appreciation of the utility of conducting weapons amnesties:

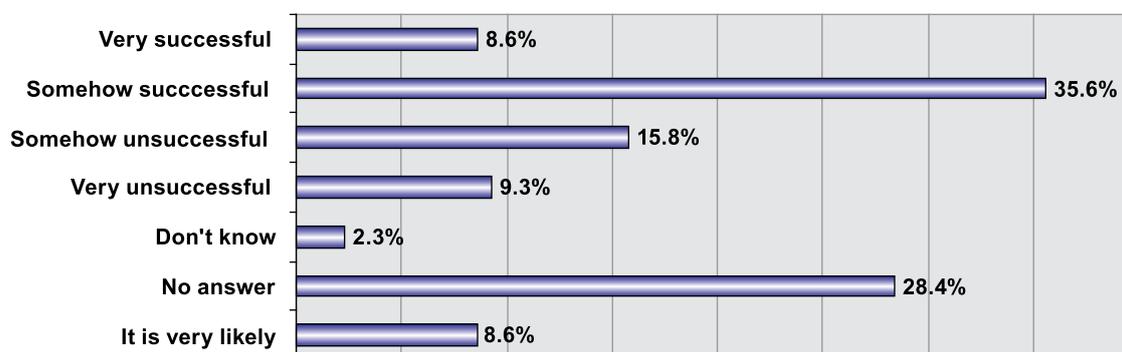


Figure 44: How successful do you think weapons amnesties could be in your community? (Base N = 1518)

Very few FGD participants were aware of previous amnesties or national collection programmes and in general were unaware that it is possible to 'legalise' weapons. Only some participants from Transdnistria and Gagauzia could recall the weapons collection programmes that followed the two conflicts. These included both collections by the authorities as well by criminal groups offering rewards of money or other goods for weapons – *'automatics were exchanged for several buckets of wine'* (FGD participant, Male, Security Zone). The FGD participants also thought that previous collections would have been undermined by distrust of the responsible authorities: that their weapons would be confiscated under different pretexts, or that they would be punished for owning the weapon.

Several participants from different FGDs thought it necessary to initiate significant awareness-raising campaigns through the media, both in order to promote, and to prepare for, amnesty periods, and also to inform the public about the consequences of illegal possession and use – *'There has never been the necessity to register them [illegal weapons]... promotional activity is needed [to promote registration] that involves someone explaining the present situation, cases when unlicensed weapon owners have been punished and the dangers [of having an unregistered weapons]...'* (FGD participant, Male, Chişinău). Businessmen thought that the public should be encouraged to voluntarily surrender their weapons through 'a preparation period' prior to each amnesty, in which different illegal arms seizures and their consequences (punishments) are reported in the media. In some FGDs it

was thought that the anonymity of those possessing arms should be upheld – *‘there are people that are afraid of somebody else finding out that they possess a gun’* (FGD participant, Female, Chişinău). It was also felt that weapons voluntarily surrendered should not be checked for use in previous crimes.

State agencies and the Moldovan Government are seen to be the most effective SALW control agency, with just under half of respondents in the HHS stating that state agencies would be best placed to encourage people to voluntarily surrender their weapons. However, on the whole, more effective policing (54%) and reduced crime levels (35.4%) were identified in the HHS as factors most likely to encourage people in the community to hand in their illegal weapons, and were thought to be much more effective than a general amnesty (19.8%) or awareness-raising (24.7%).

6 Small Arms Capacity Survey

6.1 Legislative and regulatory framework

Since gaining independence, Moldova has developed an extensive legislative and regulatory framework governing SALW control. This framework can be divided into legislation that governs internal SALW controls (the production, trade and use of weapons by civilian and state actors within Moldova) and transfer controls (legislation that governs the transfer of military and civilian SALW into and out of Moldova). However, since the territory administered by the Transdniestrian authorities is not under the control of the Moldovan Government in Chişinău, this framework cannot be applied there (see Section 10).

6.1.1 Internal SALW legislative and regulatory framework

The following principal laws govern civilian possession, by both individuals and legal entities, and internal civilian trade in SALW in Moldova:

- The 'Law on Individual Arms' (Law No. 110-XIII of 18 May 1994)⁷⁶ and its amendments. This law establishes the basis for the control of the production, sale, acquisition, ownership, use, import and export of weapons and ammunition for civilian use.
- Government Decision No. 44 (18 January 1995) on 'The Regulations on Selling, Procuring, Stocking, Carrying, Using and Transporting Individual Arms and their Ammunition', which details the mechanisms for implementing the 'Law on Individual Arms'. The same Government Decision includes provisions for the introduction of the State Arms Inventory and the State Arms Register.
- Government Decision No. 1173 (19 December 1997) on the 'List of Individual Weapon and Ammunition Models to be Entered into the State Weapons Inventory',⁷⁷ adopts the State Arms Inventory, which defines the weapons that can be traded in Moldova.
- Government Decision No. 126 (15 February 2000) on 'Approving the List of Weapons and Ammunition that can be Sold to Individuals and Legal Entities',⁷⁸ stipulates which arms can be entered in the State Arms Inventory and hence traded in Moldova.
- Government Decision No. 465 (16 May 2000) on 'The Approval of the Republican Commission for Evaluation, Price Estimation and Scrapping of Personal Weapons'.
- Government Decision No. 1635 (December 2002) on 'The Registration Regulations'.
- Department of Standards, Metrology and Technical Auditing Decision No. 647-STM (04 November 1999) on 'The Provisions for the Technical Checking of Individual Arms'.
- The 'Law on Private Activity as Detectives and Guards' (Law No. 283-XV, dated 04 July 2003).⁷⁹

Although the Moldovan MIA has updated the 1994 'Law on Individual Arms' and its ratification was expected in 2005,⁸⁰ adoption of the new draft has since stalled. The Survey team was not able to discover the cause of the delay in adopting the redrafted law.

In addition, each government agency that purchases, holds and uses SALW (MoD, MIA, BGS, and SIS etc.) has its own internal regulations and standards.

⁷⁶ *Monitorul Oficial al R. Moldova*, Br. 4 of 08 September 1994.

⁷⁷ *Monitorul Oficial al R. Moldova*, No. 9, 05 February 1998.

⁷⁸ *Monitorul Oficial al R. Moldova*, No. 19-20/208, 24 February 2000.

⁷⁹ *Monitorul Oficial al R. Moldova*, 19 September 2003, Nr. 200-203.

⁸⁰ *South Eastern Europe SALW Monitor 2005*, SEESAC, Belgrade, 2005, p. 110.

6.1.2 Transfer control legislative and regulatory framework

The following laws govern the import and export of weapons for civilian use, military equipment and armaments and other military technical equipment:

- The 'Law on Individual Arms' (110-XIII of 18 May 1994)⁸¹ and its amendments, which outlines the system controlling the import of civilian weapons.
- The 'Law on the Control of Export, Re-export, Import and Transit of Strategic Goods,' (No 1163-XIV of 26 July 2000), which outlines the system for controlling transfers of strategic goods
- The 'Law on the Licensing of Some Types of Activity' (No. 451-XV of 30 July 2001), which regulates activities which are subject to licensing.
- Government Decision No. 606 'About the National System of Export, Re-export, Import and Transit Control of Strategic Goods in the Republic of Moldova' (15 May 2002), which implemented the Law 1163-XIV and introduces three supporting documents:
 - 'Regulation of the Interdepartmental Committee for Control of Export, Re-Export, Import and Transit of Strategic Goods' (Appendix 1), which defines both the role of the committee and its decision-making mechanism.
 - 'Regulation on the Control Regime of Export, Re-export, Import and Transit of Strategic Goods' (Appendix 2), which details the rules and principles governing the licensing process.
 - 'Control List of Strategic Goods' (Appendix 3), which lists the strategic goods to be covered by the transfer control system.

Moldova is also party to a number of international arms control instruments that cover SALW (see Section 6.1.7.3).

Moldovan laws, regulations and procedures related to the ownership, use, trade and transfer of SALW are published in the 'Official Monitor of the Republic of Moldova' (*Monitorul Oficial al Republicii Moldova*). The Criminal Code of the Republic of Moldova (No. 985-XV, 18 April 2002) specifies the penalties for illegal manufacture, possession, trade and stockpiling of weapons.⁸² Although it was expected that the punishments for weapon crimes detailed in the Criminal Code would be revised in 2005,⁸³ no review appears to have taken place as yet.

6.1.3 Control of weapons owned by individuals

The 'Law on Individual Arms', Government Decision No. 126 'Approving the list of weapons and ammunition that can be sold to individuals and legal entities' and Government Decision No. 44 on 'The regulations on selling, procuring, stocking, carrying, using and transporting individual arms and their ammunition' regulates the production, acquisition, storage, carriage and use of weapons. The 'Law on Individual Arms' also defines the competencies and responsibilities of different state actors in controlling internal SALW trade and ownership. This law provides for a two-tier licensing system, whereby every person wishing to (legally) own a weapon has to first apply for and receive an authorisation to acquire a weapon and then, upon purchasing a weapon apply for a three-year permit to hold and carry it. At the end of every three-year permit, the licensed weapon owner has to renew his permit. The law also provides for a centralised State Weapons Inventory, which details all types of weapon that can be purchased and possessed in Moldova, and a centralised State Weapons Register within the MIA that includes information on all non-military weapons in the country, including those owned by legal entities.

⁸¹ *Monitorul Oficial al R. Moldova*, Br. 4 of 08 September 1994.

⁸² Article 290 of the Criminal Code of the Republic of Moldova provides for a 2 - 5 year prison term for illegal possession, bearing, manufacturing, storage, repairing and trading in arms and ammunition. If the crime is repeated, there is a mandatory prison term of 5 - 10 years.

⁸³ *South Eastern Europe SALW Monitor 2005*, SEESAC, Belgrade, 2005.

6.1.3.1 Weapon licences

Two different licensing systems operate in the territory controlled by the Moldovan Government – one for weapons with rifled barrels and one for smooth bore weapons:

- Authorisations and permits for rifled weapons (hunting, collectors, pistols and revolvers) are issued by the DoPO in Chişinău.
- Smooth bore hunting weapons as well as gas pistols and revolvers can be bought and owned with authorisations and permits issued by the regional police commissariat.

Inventories of both types of weapon licences are kept by both the DoPO in Chişinău and the regional police commissariats. Only Moldovan citizens over the age of 18 who have received a permit issued by their local police commissariats or the DoPO can possess weapons. To be eligible for a permit, applicants must not: have any medical conditions that make them unsuitable for gun ownership; have a history of public order offences; suffer from alcohol abuse or have used narcotics; have committed any serious crimes using weapons, explosives or toxic substances; have been sentenced to prison, or been on parole; have been punished for poaching or other illegal use of weapons; and must be of good mental health and not have a history of domestic abuse.

The purchase of a hunting weapon does not automatically allow the owner to hunt. All weapon owners wishing to hunt also have to be a member of the HFAM. Without this membership smooth bore hunting weapons can only be kept at home for self-defence purposes. In order to become a member of the HFAM the applicant needs to pass another set of criteria as well as shooting and weapon ownership training. Membership of the HFAM therefore represents an additional licensing step for those wishing to own weapons for legal hunting purposes.

An important sub-category of individual weapon owners is that of former 'military personnel', which includes the heads of law enforcement authorities, SIS and SGS with at least 20 years of service and 'selected persons' from the public prosecution bodies with at least 20 years of service. According to Article 23 of the 'Law on Individual Arms, these persons have the automatic right to retain their service weapons upon retirement providing they have the consent of their superiors. In such cases, people must follow the same licensing process as other individual weapon owners, excluding the act of purchase. It is unclear who exactly is included under the category 'military personnel' and 'selected persons', and whether these persons retain their 'military weapons' (which are prohibited to the general public) or obtain non-military/service weapons upon retirement. Moldovan Government officials from the relevant authorities have agreed that this loophole needs to be addressed.⁸⁴

6.1.3.2 Legal types of firearms

Moldovan citizens can only own weapons and ammunition that have been entered into the State Arms Inventory and are not allowed to purchase or use 'military weapons' or 'service weapons'. Generally, this means that individual citizens and legal entities are not permitted to possess automatic weapons with rifled barrels (smooth bore automatic weapons are allowed), or weapons with a calibre greater than 9 mm.⁸⁵ Definitions of 'military weapons' and 'service weapons' are, however, problematic and it is not clear exactly which weapons are allowed for ownership by individuals. For example, 'service weapons' include a range of pistols and revolvers actually in use by Moldovan security services, and which should, in one interpretation of the law, therefore be prohibited to individual citizens and legal entities. However, Article 8 of the 'Law on Individual Arms' allows individuals to possess 'hunting weapons', 'self-defence', 'hunting', 'award and collectors weapons' and 'revolvers and pistols'. The last category, 'revolvers and pistols', is neither included in the six listed categories in the 'Law on Individual Arms' or detailed in the 'List of Individual Weapons and Ammunition Models to be entered into the State Weapons Inventory' (Government Decision No. 1173), which lists all the categories and the weapons contained within that category. It is consequently unclear which 'revolvers and pistols' can and cannot be bought and owned by individuals.

⁸⁴ Comments at 'Inter-ministerial roundtable to review initial findings of the national small arms and light weapons (SALW) Survey of the Republic of Moldova', 15 December 2005, Chişinău.

⁸⁵ Official Release of the MIA to the Survey team. Individuals are also prohibited from using military bullets in hunting or sporting weapons, and owning silencers and other weapons that do not make a noise. Pneumatic-guns, electrocuting arms and air guns can be bought and owned without a licence.



Further, some weapons, such as Glock pistols, are clearly on display for sale in one of the four gun shops even though they are included in the list of 'service weapons' prohibited for private ownership. Although Moldova's submission to UNDDA under the UN PoA states that the 'Law on Individual Arms' has been amended to include just two categories of weapons – 'self-defence' weapons that can be owned by citizens, and 'military weapons' that can only be owned and used by the state security services⁸⁶ – there is no evidence of these changes in the legislation. It appears, therefore, that those weapons that can be owned by private individuals are not presently well defined in legislation and, consequently, DoPO licensing decisions on certain weapon types might be subjective and arbitrary, rather than being based on sound legislation. An analysis of the definition of a 'military weapon' is provided below (Section 6.1.3.7).

6.1.3.3 Issuing a licence

The DoPO in the MIA and the local police authorities are responsible for issuing authorisations and permits to purchase and possess weapons. Any individual who wishes to purchase a smooth bore weapon needs to apply to their local police commissariat. Applications for rifled weapons should be made to the DoPO. Applications to either the DoPO or local police commissariats should be made in person and according to the MIA must include:

- An application form;
- A medical health certificate issued by the Psychiatric and Narcotic Commission, a special body that assesses individuals' suitability to own a weapon;
- Identification;
- Receipt of paying the appropriate state tax;
- A certificate for weapons handling training;
- A report from the applicant's local police office regarding the behaviour of the applicant and his family; and
- A description of where and how the weapon would be stored.



MIA bullets and barrels database
(Source: MIA)

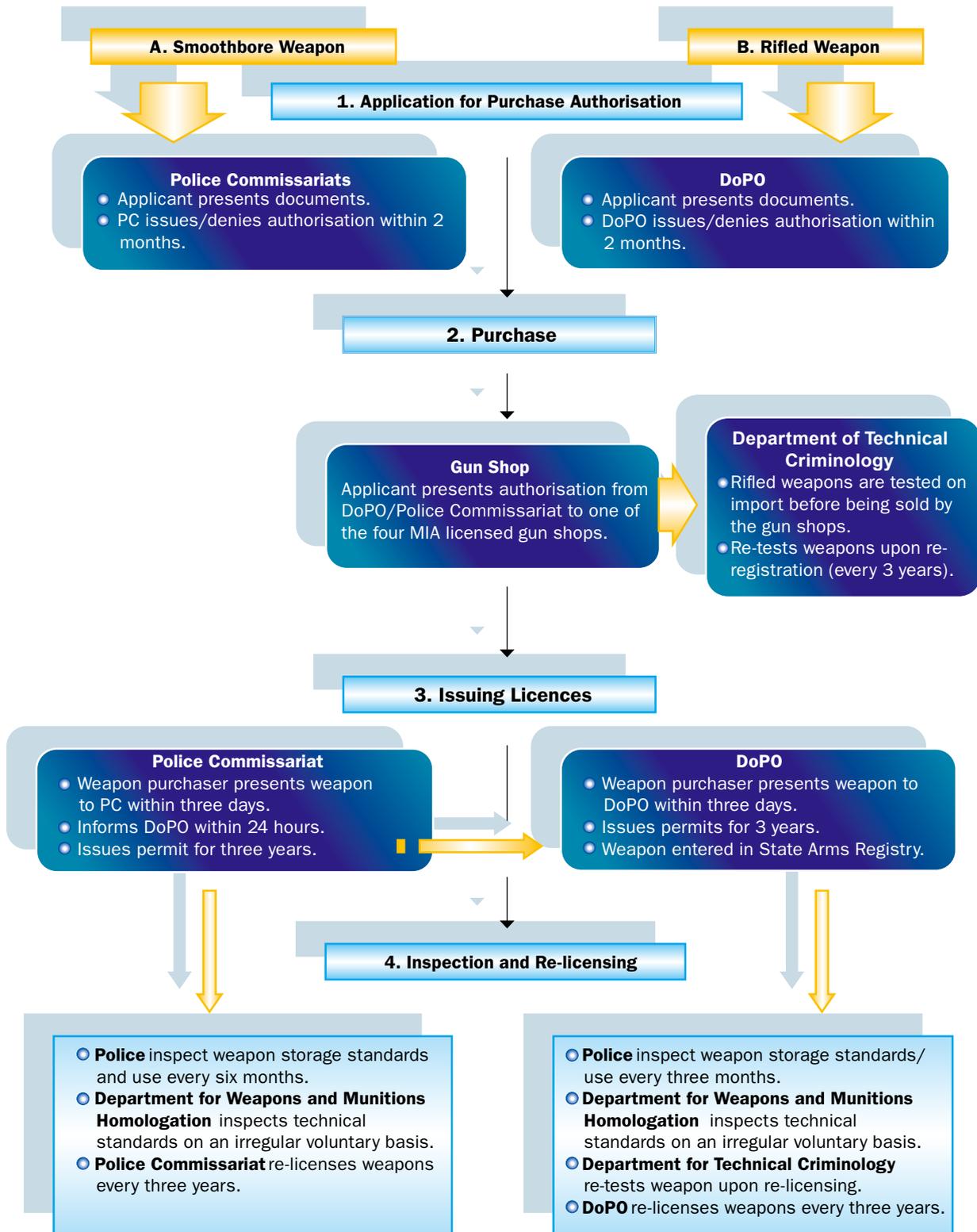
However, Article 22 of Governmental Decision No. 44 (18 January 1995) states that only personal identification and a medical certificate are necessary for an application to purchase and own a weapon. It could be that the outstanding requirements, although not written in the national legislation, have become standard practice, or are set out in internal MIA regulations.

Both the DoPO and the police commissariats are required to make a decision on issuing or refusing an authorisation within two months of receiving an application ('Law on Individual Arms', Article 26). In this period the MIA/police commissariats are obliged to check that the applicant fulfils all the criteria necessary to own a weapon. No information was provided to the Survey team on how these background checks are carried out, or whether they are more stringent for applicants for rifled weapons. No justification on the part of the applicant for purchasing a rifled weapon for self-defence is required by the Moldovan legislation, so it remains unclear on what basis such applications are judged.

Once the successful applicant has purchased a weapon, he/she is obliged to return to the local police commissariat or DoPO within five days in order to register the weapon and apply for a permit to hold and carry the weapon (Article 30). The local police commissariats are obliged to inform the DoPO of all new smooth bore weapon purchases within 24 hours of receiving an application for a 'holding and carrying' permit. The DoPO is then legally required to enter the details of all approved smooth bore and rifled weapons into the State Weapons Register (Article 26). Further, the local police authorities are tasked with keeping operational records of all weapons and ammunition owned in their locality. Upon registration of the purchased weapon, the owner is provided with a permit to keep and carry the weapon for up to three years, after which period the permit must be renewed.

⁸⁶ '2005 Report of the Republic of Moldova on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects', <http://disarmament2.un.org/cab/nationalreports/2005/Moldova.pdf>, accessed 05 December 2005.

Organogram A: Licensing of Weapons to Individuals



Box 8: Buying a gun and ammunition

Once the police commissariat or DoPO (dependant on whether the applicant is applying to own a smooth bore or a rifled weapon) has conducted all the necessary background checks, it provides the applicant with a purchase authorisation in three parts. The first part of the document includes the applicant's personal details and is kept at the police commissariat/DoPO. The second part is given by the applicant to the gun shop where he purchases the weapon. The third part, with the details of the weapon purchased at the gun shop, is then taken by the purchaser to his local police commissariat/DoPO for registration. The police commissariat/DoPO then provides the purchaser with a weapon permit detailing the weapon owned and its terms of use.

Ammunition can only be sold to licensed gun owners according to the type of weapon indicated on their weapon licence, although there is no limit on the amount of ammunition that can be purchased. Each purchase authorisation is for one weapon and there are no limits on the number of guns that can be sold at one time to one buyer (provided they have sufficient purchase authorisations). The gun shops do not have to check the validity of the potential buyer's licence, state of health etc. The only documentation needed in order to buy a weapon is a valid purchase authorisation and a passport. It is possible to complete the whole purchasing process within ten minutes of entering a gun shop. It is important to note that the gun shops do not have the right to refuse sales to any potential gun purchaser with a valid weapon purchase authorisation.

6.1.3.4 Storage of weapons

According to the 'Law on Individual Arms', weapons and ammunition owned by individuals should be stored in a metallic safe fixed to the wall or the floor. The guns should be stored unloaded and separate from ammunition. The weapon's owner is obliged to undertake all other necessary measures to ensure that the weapon is in good condition and is not accessible to other persons. As each weapon is registered personally, they cannot be handed over to others (including friends and family) for use. Repair and changes to the design of weapons can only be made in the three MIA licensed weapon workshops, with an authorisation from the MIA.

6.1.3.5 Use of weapons in self-defence

Although the MIA has stated that any individual wishing to own a weapon has to provide a certificate confirming that he/she has successfully passed a weapon-handling course, no reference to this requirement could be found in the law. It is probable, however, that requests of such certificates have become standard practice among the police commissariats and the DoPO. Unfortunately, no information was provided on the content of the weapon handling courses or the body responsible for regulating them. According to Articles 34 - 38 of the 'Law on Individual Arms' weapons may be used by individuals in the following situations:

- For self-defence and for protection of persons from attacks that constitute a real threat to life and health;
- To prevent the seizure of weapons by others;
- To repel a group or an armed attack on facilities and premises being guarded and which belong to individuals and/or legal entities;
- To deter people from breaking into residential and business facilities who threaten the life and health of persons present on those premises;
- To arrest a person who offers armed resistance, or has committed a serious criminal offence
- To raise alarm or call for help; and
- To render harmless an animal that threatens the life/health of an individual.

Before use of a weapon in self-defence, weapon users must give a warning and provide enough time for the target to respond before firing, except when such a delay 'represents a direct threat to the life and health of the owner'. The user of the weapon is also obliged to cause as little damage as possible to the 'health, honour, dignity and property' of the target. Further, weapons may not be used against women, children or the elderly. The 'Law on Individual Arms' allows a good deal of interpretation as to when individuals can use weapons. In particular, definitions of attacks that 'constitute a real threat to life and health' can vary and could allow weapon owners to use their weapons in inappropriate ways. As no standard weapon training is stipulated in either the primary or secondary legislation, and as no details of any curriculum used during weapon-training courses were made available, it is unclear under what circumstances weapon owners have been told that they can use their weapons in self-defence.

6.1.3.6 Verification and inspection

Moldova has developed a complex system for checking both that weapon owners do not break the law regarding the ownership and storage of arms and ammunition, and also that the weapons owned by individual persons and legal entities meet high technical and safety standards. Rifled weapons initially undergo a pre-sale test discharge within the 'Department for Technical Criminology'. The local police commissariats conduct post-sale inspections on the standards of the storage and use of both rifled and smooth bore weapons, while Government Decision No. 44 tasks the National Centre for Weapons and Munitions Homologation within the Standards and Metrology Service with inspecting the technical standards of weapons.

Government Decision No. 44 stipulates that each rifled weapon must pass a fire control test by the Department for Technical Criminology upon import and before being sold by one of the four MIA licensed gun shops. This control both verifies the technical standards of the weapon and also enables the Department to keep records of each rifled weapon's individual 'fingerprint'. This 'fingerprint' can then be analysed against forensic data from future weapon crimes in order to ascertain which weapon was used in a particular crime. Such tests are not conducted with smooth bore weapons, as each individual weapon does not have a unique 'fingerprint'.

The police commissariats are obliged to check that owners of smooth bore weapons in their area comply with the terms and conditions of ownership and standards of storage of weapons every six months, while rifled weapons need to be checked every three months. Every gun owner is legally obliged to present his weapon for inspection by the police. In 2004, the police conducted 82,486 inspections of the self-defence weapons owned by 44,560 persons, identifying 9,191 cases of violations of the terms and conditions of weapon ownership. As a result, 3,627 weapons were seized for exceeding the registration period, 1,633 for violating the rules on holding, purchasing and transportation and 56 for breaking trade regulations. These checks are said to be carried out more regularly in Chişinău and other 'dangerous areas' (e.g. the police authorities conduct 'Operation Arsenal', a check of all gun-owners in Chişinău, every three months).⁸⁷ Although police inspections are conducted according to MIA Order 226, no information was provided by the MIA to the Survey team on procedures for verifying compliance with weapon ownership criteria and inspecting storage standards. Several police interviewees tasked with conducting weapon inspections have commented that there is low capacity to conduct these inspections and that it will become harder for the police to fulfil its SALW control responsibilities as weapons ownership, and ownership of self-defence weapons, increases.

The National Centre for Weapons and Munitions Homologation began inspecting the technical condition of civilian weapons in 2004. The National Focal Point on SALW within the MIA considers such nation-wide testing to be necessary, as an estimated 35 to 40% of legally owned weapons do not correspond to technical standards (mostly because of their age, e.g. being of Second World War vintage). This is thought by the Deputy Head of the DoPO to present a tangible safety threat to both the weapon owners and those around them. The National Centre co-operates with both the HFAM and the MIA when conducting these tests. During 2004-2005, the Centre carried out technical inspections in 14 regions of the country. 42.3% of weapons tested by the National Centre during this period did not meet the necessary safety standards:

⁸⁷ *Op cit*, Moldova UN PoA Report for 2004; Col Mihai Cebotaru, SALW National Focal Point and Deputy Head, DoPO.

TYPE OF WEAPON	TOTAL REGISTERED	TOTAL TESTED		CORRESPONDS TO TECHNICAL REQUIREMENTS		DOES NOT CORRESPOND TO TECHNICAL REQUIREMENTS	
		Number	%	Number	%	Number	%
Rifled Barrel	1,260	633	50.2	576	91.0		9.0
Smoothbore	9,109	5,415	59.4	2,826	52.2	2,589	47.8
Gas	815	273	33.5	247	90.0	26	10.0
TOTAL	11,184	6,321	56.5	3,649	57.7	2,672	42.3

Table 26: Data on firearms inspected by the National Centre, 2004 - 2005

(Source: National Centre for Weapons and Munitions Homologation)

The MIA states that it is presently trying to withdraw worn out, handmade, below standard or illegally modified arms that do not correspond to the current national requirements and standards. Moldova's 2005 report to the UNDDA under the PoA also claims that in 2004, 753 weapons were withdrawn from circulation as a result of the National Centre's regional inspections.⁸⁸ This number is, however, much lower than the total number of weapons identified as sub-standard. Further, it is not a legal necessity for every gun owner to present his gun for inspection by the National Centre (only 56.5% of weapons registered in those areas visited by the National Centre were presented for inspection by their owners). Additionally, should a weapon fail to meet the technical standards set by the National Centre, the owner is not legally obliged to hand over the weapon to the police or have it repaired.

6.1.3.7 Weaknesses in the control system for firearms owned by individuals

While Moldova's internal SALW control legislation governing the trade, licensing and use of weapons by individuals is, on the whole, considered to be quite strong by those interviewed, a number of weaknesses are apparent.

Several interviewees stated that there is a lack of clarity over what constitutes a military weapon, (and hence one that cannot be legally owned by civilians or legal entities), versus a civilian weapon. The MIA does not consider there to be a problem of definition, stating that as long as a weapon is included in the State Arms Inventory, then it may be purchased. However, as indicated above, it is not always clear which weapons included in the State Weapons Inventory can be purchased and owned by individuals. This confusion can lead to local police making arbitrary decisions about which weapons can and cannot be registered. For example, a number of SKS carbines (Samozaradnya Vientovka Sistyemi, self-loading carbine system) were found to be registered by the police in Gagauz Yeri.⁸⁹ According to the 'Law on Arms' (Article 16), it is the role of the Government to improve the definition of 'military weapons', as it is responsible for 'defining the list of ammunition and weapon types that may be sold to physical and legal persons'. This problem of definition could be solved by the ratification of EC Council Directive No. 91/477/CEE (18 June 1991) 'on the control of the acquisition and possession of weapons'⁹⁰ by the Moldovan Parliament. This Directive lays down categories of weapons whose acquisition and possession by private persons are either (category A) prohibited (category B) subject to authorisation, (category C) subject to declaration or (category D) other. Alternatively, the 'Law on Individual Arms' could be adapted to stipulate the specific types of weapons that may and may not be used by civilians.

As stated above, weapon owners are not obliged to hand over weapons to the police should their weapons fail to meet the technical standards set by the National Centre. This has frustrated police officers interviewed, as weapons are private property and cannot be seized unless the law has been broken. The National Centre has suggested adaptations to the existing legislation in order to oblige the owner of a sub-standard weapon to do one of four things:

⁸⁸ *Op cit*, Moldova UN PoA Report for 2004

⁸⁹ Gheorghe Molla, Vice Bashkan, TAA Gagauzia Bashkanat.

⁹⁰ <http://europa.eu.int/eurex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31991L0477:EN:HTML>, accessed 15 November 2005. The directive also provides for a standard European weapons permit.

- Legalise the weapon through repair;
- Re-register the weapon as a collector's weapon – this would involve the gun owner's existing weapon licence being replaced by a licence to own a collector's weapon (which would be inserted into his passport);
- Hand the weapon to the police; and
- Decommission the weapon.

Further, there are indications that the penalty for breaching the terms and conditions of weapon ownership is not always applied according to the Penal Code. If this is the case it would provide another reason for individuals owning or acquiring weapons not to adhere to the provisions of the 'Law on Individual Arms'. It has also been suggested by some interviewees that the punishment for illegal arms ownership or use should be more severe, especially following weapon amnesty periods.

The Law also allows for a wide degree of interpretation on the use of weapons for self-defence and it is unclear what training is available and mandatory for weapon owners. The conditions under which weapons can be used could be stated more clearly and mandatory training could be stipulated in legislation.

There is at present no centralised electronic database to record and categorise all weapons in the country and enter them into the State Arms Registry. Such a database would enable up-to-the-minute information on weapons holdings and distribution in Moldova to be accessed by relevant stakeholders.

A number of technical weaknesses in the existing legislation were also highlighted by the National Centre. These include the fact that current legislation does not provide for new types of non-lethal weapons, and at present, fails to stipulate what should happen to the munitions seized with weapons.

Several elements of the present regulatory system, while having becoming standard practice, are not yet enshrined in legislation. This includes the presentation of a weapon handling certificate and information on the storage conditions for weapons upon submission of an application to purchase a weapon.

It may be the case that the present licensing system is in some respects overly complex and represents a financial burden to the majority of ordinary citizens. Several interviewees thought that the licensing system is too '*sophisticated*' and that the cost of registering and re-registering weapons is very expensive and could be reduced.⁹¹ These views can also be found amongst respondents in the HHS, which indicated that while the majority of respondents familiar with the licensing system find it efficient, they also find it too problematic and too expensive to acquire licences (see Section 5.5.4). These twin burdens may result in a number of Moldovans choosing to acquire and own weapons illegally. However, previous surveys have demonstrated that while a large proportion of weapon owners are opposed to a comprehensive regulatory system that increases the cost of owning a weapon, this does not necessarily mean that they cannot afford to licence their weapon⁹² or that it is impossible to do so. More research is necessary in order to identify any areas in the present licensing system that can be simplified, or where cost can be reduced.

The HHS also indicates that the licensing system is not widely understood amongst the general population. For example, 32.9% of all respondents to the question, 'Do you find the procedure of registration and licensing for weapons possession efficient?' chose the option 'I am not familiar with it'. The sum of the respondents who chose this option, 'don't know' or provided no answer was 47.5% – nearly half of all respondents. It can, therefore, be argued that between 32.9 and 47.5% of Moldovans are not aware of the law governing weapon possession and use. While this is not a problem for those respondents who do not own and do not intend to acquire a weapon, it is problematic if the 32.9% includes those who presently own an unregistered weapon or are considering acquiring one.

Certain aspects of the procedure for acquiring a weapon may be too liberal. For example, there is no waiting period necessary for buying a weapon, as it is possible to buy a weapon within ten minutes of entering a gun

⁹¹ Alexander Gavril, Police Lieutenant, Congazchik Village Police Post, Gagauzia ATU; Nikolai Stioanov, Vice Leader, 'Edinaya Gagauzia', political party; Gavriil Bargan, President, Gagauzian HFAM.

⁹² HHS respondents in the higher wage bracket were more likely to state that the present system was too expensive.

shop (see box 8 'Buying a gun and ammunition'). The lack of a waiting period is problematic, as it does not permit verification of the validity of the buyers purchase application. The liberal nature of the weapon acquisition process is again supported by results from the HHS. Respondents thought that greater control of weapon permits would either increase security a little (31.9% of respondents) or increase security a lot (35.5% of respondents). The present law might be particularly liberal regarding self-defence weapons, as at present those who apply for self-defence weapons do not need to provide proof of a threat to person or property. As there is a tendency in Moldovan society towards greater ownership of weapons for self-defence, it might be appropriate to incorporate the need for such justifications into Moldova legislation. Further, one interviewee commented that regulation of self-defence weapons could be tightened with the following restrictions:⁹³

- Raising the minimum age to 25 years;
- Stricter rules on keeping, holding and carrying weapons;
- Practical training on their use before procurement; and
- Mandatory referencing from respected community figures.

Box 9: Planned MIA initiatives to improve domestic SALW control

The MIA currently considers it necessary to improve the existing domestic SALW control system for both individuals and legal entities by:

- ✓ Tightening the requirements for obtaining weapon authorisations;
- ✓ Tightening sanctions for weapon offences; and
- ✓ Simplifying the procedure for withdrawing weapons, weapon permits and the right to carry weapons.

In order to realise these aims the MIA is preparing:

- ✓ A new draft of the 'Law on Individual Arms' to be elaborated in accordance with the European Convention on the control of purchasing and owning weapons by individuals (Strasbourg, 28 June 1978);
- ✓ A new Government Decision on supplementary measures to control the circulation of illegally held arms via a six month voluntary surrender campaign; and
- ✓ And a new Government Decision to withdraw worn out, deteriorated, and illegally modified weapons.

The European Convention of 1978 includes a definition and classification of 'weapon' that differ from those employed in the 'Law on Individual Arms'. Updating the 'Law on Individual Arms' would involve redefining 'weapons' accordingly, in both the Law and the State Arms Inventory. The legislative implications of Moldova adopting the European Convention are, however, unclear as it has been superseded by Council Directive 91/477/ECC (18 June 1991) 'On the control of the acquisition and possession of weapons'. This Directive regulates and harmonises individual arms control in the EU. A review of the Convention's implications by a legislative expert could be necessary.

6.1.4 Control of weapons owned by legal entities

While there are a number of reasons for legal entities – private firms and enterprises – to possess weapons (e.g. training, sports and hunting activities, firing ranges), the principal reason for such entities to own weapons is to provide protection for themselves or other organisations. This section will analyse the regulation of the ownership and use of weapons by legal entities in general. The specific regulations that apply to legal entities that provide protection services (either for themselves or on the private security market) will also be examined. This is an important issue, as additional safeguards should apply to those legal entities whose employees are permitted to use weapons for self-defence and protection.

The 'Law on Individual Arms' regulates the acquisition, storage, carriage and use of weapons by legal entities. The 'Law on Private Activity as Detectives and Guards' (Law No. 283-XV, dated 04 July 2003)⁹⁴ regulates the licensing and activities of 'Private and Detective Guard Companies' (PDGCs)⁹⁵ and their employees and includes

⁹³ Afanasii Baurciulu, Head of Court, Comrat Region Court.

⁹⁴ *Monitorul Oficial* No. 200-203, 19 September 2003.

⁹⁵ The Government of Moldova prefers the term 'Private Detective and Guard Companies' for companies providing security services, as it maintains that there are no 'private security companies' operating in the country. Page, M. *et al*, *SALW and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity?* 2005, SEESAC: Belgrade. This report will refer to PDGCs as 'private security companies' ('PSC'). For more detailed information on the private security industry in Moldova see Page, M. *et al*.

additional regulations of the types of weapons and special equipment that PSCs can use, as well as the rules for the acquisition, use and storage of weapons by PSCs.

6.1.4.1 Regulation of the private security market

According to the 'Law on Private Activity as Detectives and Guards', in order to offer private security services, potential PSCs must first obtain an operating licence, issued jointly by the Licence Chamber and the MIA, while each PSC employee must register individually with the Licence Chamber. Company licences have to be renewed every five years. Slightly different licences and licensing criteria apply to those organisations that offer just detective services and those organisations that offer physical security services. Foreign legal entities and persons are excluded from the Moldovan private security market, as both the proprietors of PSCs and their employees must be Moldovan citizens.

PSCs are not permitted to provide private security services to government institutions, banks or enterprises that are more than 50% state owned. Security services at these institutions and enterprises are provided either internally or by the SGS within the MIA, which can also compete with PSCs to provide both guarding services and technical security services (e.g. the installation and maintenance of safety and fire alarms) to other client groups.⁹⁶ The SGS is also the main body responsible for regulating PSCs and has the right to stop or suspend PSC activity in the event of violations of the law by companies and/or their employees.

Private companies, or those banks and institutions that cannot legally be secured by PSCs, can create and maintain their own internal security departments. An exception is made for foreign companies however, and they may not legally establish internal security departments. No information was provided to the Survey team on the licensing of ISDs, which is provided for by an internal MIA directive rather than the 'Law on Private Activity as Detectives and Guards'. The MIA has made a commitment to both upgrading the regulation of ISDs in national legislation and to elaborate the contents of the present directive.⁹⁷

6.1.4.2 Weapon licences

While the 'Law on Individual Arms' outlines those weapons that can be owned by legal entities, the 'Law on Private Activity as Detectives and Guards' provides further details of the types of weapons and special equipment that PSCs can use, as well as the rules for the acquisition, use and storage of weapons by PSCs. PSCs are not allowed to possess the same security equipment as the MIA police and are only permitted to own and carry smooth bore weapons. This means that they cannot use AK-47's (although they carry weapons that are almost indistinguishable from AK-47s), Makarov, Taiga, Baikal, Viper and TT pistols.

While the 'Law on Private Activity as Detectives and Guards' also states that private security guards do not have the right to be armed on the street and must be issued with PSC owned weapons, private detectives can own private weapons, which they are permitted to carry and store at home according to the 'Law on Individual Arms'. These weapons could include rifled weapons. It should also be noted that SGS guards can and do carry weapons while on the street and are also permitted to use military style weapons while protecting banks. No information was available regarding the type of weapons that can be licensed to ISDs, although divisions within banks are also presumably permitted to employ military style weapons.

Not all PSCs are licensed to own and use weapons. According to the MIA, at present only 31 PSCs have the right to employ armed guards and between them have a total of 445 weapons. Further, approximately 490 ISDs own up to 4,590 weapons. As registered private detectives can also be issued with licences according to the 'Law on Individual Arms', the total number of PSCs, ISDs and private detectives with PSC licences, licensed to own and use weapons, is not certain.

⁹⁶ MIA Regulation No. 3, 'On Paid Services' (12 January 2000), *Official Monitor*, No. 14 – 16 (10 February 2000). For the full range of State Guard Service services and clients see their website <http://www.guard.md/>, accessed 12 November 2005.

⁹⁷ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.

6.1.4.3 Issuing a licence

The licensing process for PSCs and ISDs, as well as other legal entities, is provided by the 'Law on Individual Arms'. The process is a two-tier system (similar to that for individual weapons), whereby the PSC/company with an ISD must first apply for an authorisation to purchase weapons and then a permit to own and employ those weapons. A legal entity's authorisation to purchase weapons indicates both the type of weapon and the number of units that the legal entity wishes to purchase (Article 7.3). In order to obtain this licence, the legal entity must have either an ISD or PSC licence from the Licensing Chamber, or must be engaged in mass-sports activities. The legal entity is obliged to register the purchased weapon with its local police commissariat within five days and is issued with a three-year permit to keep and carry weapons (Article 13).

No detailed information was provided on how the application is made (and to whom) and how decisions on issuing licences to legal entities are reached. It is also unknown whether this process is the same for PSCs and ISDs, or if security divisions are licensed according to the same criteria as shooting ranges, sports clubs etc. Licensing of ISDs to own weapons is apparently provided for by an unpublished internal MIA directive, rather than the 'Law on Private Activities as Detectives and Guards'. Although this is a worrying gap in transparency, as the vast majority of weapons owned by legal entities are owned by ISDs, the MIA has made a commitment both to seek an upgrade to the regulation of ISDs and to elaborate the contents of the present directive.⁹⁸

6.1.4.4 Storage of weapons

Weapons owned by legal entities have to be stored in the same way as those owned by individuals. In addition, Article 16 of the 'Law on Individual Arms' stipulates that each legal entity is required to maintain a registry book to record the issuance and return of weapons as weapons owned by companies, organisations and institutions can only be given to their employees from the beginning to the end of the working day.

6.1.4.5 Use of weapons by private security guards

PSCs provide armed guards for a range of different private guarding services. For example, the company 'Respect' uses armed guards as: a rapid response force to alarms and calls from unarmed guards, as bodyguards and to secure transfers of valuable goods.⁹⁹ According to the President of this company, use of weapons by PSC personnel is very rare. Indeed, none of those interviewed for this study considered PSCs to represent a problem for Moldova and only one interviewee could recall an incident of inappropriate use of weapons by a PSC employee. Training in weapon use is now mandatory for all PSC personnel as part of the general PSC training organised by the MIA at the Police Academy on an annual basis, with the first PSC employees receiving their certificates on 01 September 2005. According to the law, this training has to be repeated every three years. The circumstances under which PSC and ISD personnel can use weapons are the same as those for individuals and consequently suffer from the same shortcomings.



Private security company advertising

6.1.4.6 Police and PSC co-operation

The law obliges PSC personnel to both report criminal infringements to the Police and transport detained persons to the police. When a PSC employee detains someone for a criminal infringement and then turns him over to police custody, the security guard receives a certificate from the police stating that the detainee was not ill-treated.

⁹⁸ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.

⁹⁹ Sergei Mihail Baschirtev, Vice President, Respect Protection and Security Service.



Although not enshrined in legislation, co-operation between the police and PSCs has become a common occurrence. For example, all PSCs that possess patrol vehicles are included into Chişinău's police scheme (which assigns police officers around the capital) so that resources are well distributed and PSCs and police are not providing double protection.¹⁰⁰ In some cases, the police carry out joint patrols with PSCs. The police also use PSC resources, such as vehicles, on a bi-laterally arranged basis. As there is no fixed schedule for the number of times that the police can use PSC resources in any given period this arrangement presents the PSCs with planning and organisational difficulties. Although PSCs are not obliged to provide their assets freely in response to every police request, companies tend to comply in the knowledge that the police service also regulates the industry.

Moldovan PSCs have also worked in co-operation with the MIA to combat organised crime. In view of the link between organised crime and illicit arms circulation, this involvement has even been cited in Moldova's 2005 report to the UNDDA on implementation of the UN PoA.¹⁰¹ While one PSC representative stated that between 1989 and 2005 19 employees from his company had died fighting organised crime, the MIA insists that PSCs do not participate directly in law enforcement.¹⁰²

6.1.4.7 Verification and inspection

Legal entities have to undergo the same verification and inspections procedure as individuals with weapons: test discharge of all rifled weapons prior to purchase, post purchase regular inspections of weapons storage standards and use by the police commissariats and irregular inspection by the National Centre. According to the MIA the police commissariats conduct inspections of the use and storage conditions of the weapons owned by legal entities on a monthly basis. No information was provided as to the nature of these inspections. In addition, PSCs are also regulated by the SGS.

6.1.4.8 Weaknesses in the control system for firearms owned by legal entities

Several representatives from the private security sector believe that the 2003 Law has both over-regulated private security operations, making it harder for PSCs to act in a fully legal manner, and has also given the SGS a distinct advantage when bidding for contracts, as it is also the regulatory body for the industry. It has further been argued by those operating in the PSC market that 'some provisions from the 2003 Law contravene the legal framework and Constitution of the Republic of Moldova'.¹⁰³ Indeed, there exists a very real possibility for a conflict of interest between the SGS's two roles, as the 2003 Law obliges PSCs to consult with the SGS before they accept a contract. For example, a potential conflict of interest on the part of the SGS can be observed in the competition for technical security services contracts. All security systems installed by PSCs have to be inspected by the SGS. The inspection process can last up to one month, while if the SGS installs the security system the entire process takes around two hours. This time difference gives potential clients an obvious incentive for contracting the SGS rather than PSCs.

The effect of the new regulatory system introduced by the 2003 Law can be seen in the reduction of PSCs operating in Moldova from approximately 170 to 79 (of which 71 are guarding and 8 are detective firms) in the period between the law's introduction and November 2005. The 100 firms that are no longer operating were closed because they did not meet the legal requirements introduced by the 2003 Law. The Vice President of



State Guard Service in response



State Guard Service (SGS)
Personal Protection Unit (PPU)



National Centre for Weapons and
Munitions Graphic

¹⁰⁰ Col Mihai Cebotaru, SALW National Focal Point and Deputy Head, Department of Public Order; Sergei Mihail Baschirtev, Vice President, Respect Protection and Security Service.

¹⁰¹ *Op cit*, Moldova UN PoA report.

¹⁰² Ion Mizunskiy, President, Association of non-state detective services; comments at 'Inter-ministerial roundtable to review initial findings of the national small arms and light weapons (SALW) Survey of Moldova', 15 December 2005, Chişinău.

¹⁰³ Sergei Mihail Baschirtev, Vice President, Respect Protection and Security Service.

'Respect' suggested to the Survey team that some or all of these firms are still operating and have merely been forced underground by the new regulations, mostly by acting as ISDs. This could present certain risks, as the MIA does not monitor the activities of these 'underground' PSCs. It can, therefore, be argued that, in the absence of enhanced enforcement and monitoring by the police, the 2003 legislation has encouraged PSCs to either work illicitly or not operate in the manner prescribed by the law.

Additional problems that have been highlighted by PSC representatives include the fact that PSCs cannot employ people younger than 21 years old (Article 27 of the Law) and the extent and cost of the training demanded by the new legislation. It costs approximately US\$ 115 to train a private security guard, including a mandatory weapons training component. Several industry interviewees noted that this 'universal' training does not make the distinction between unarmed static guards and rapid response guards and is unnecessary since only a minority of PSC personnel with very specific guarding duties carry weapons. PSCs have jointly advocated different training for private security guards that will not use weapons.

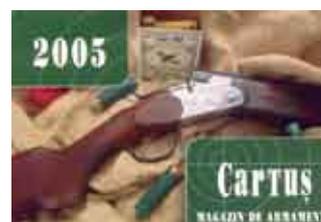
The MIA has rebuffed these claims, stating that the PSC industry was chaotic in 2003, did not help public order and needed reforming.¹⁰⁴ The MIA believes that the situation has improved since it started actively reviewing the work and level of service provided by PSCs from the start of 2005. The obligatory training programme for PSC employees is also thought to be essential, as all security guards should have an understanding of the use of weapons, how to react to incidents, who to inform of those incidents and the actions that PSC personnel are allowed to take. However, the major Moldovan PSCs disapprove of the 2003 Law and have jointly lobbied for changes and amendments to it.¹⁰⁵

The fact that the MIA may use PSCs for law enforcement as well as using company resources from time to time, could also be problematic, as it would confuse the public as to who they can turn to for policing services. It would also create legal difficulties, as PSCs have neither police status nor police powers.

The present legislation on PSCs does not fully provide for the operations of ISDs. It is unclear how ISDs are licensed, what procedures they have to follow for obtaining weapon licences and how they are regulated. It is encouraging, however, that the MIA has recognised that many of the necessary regulations and mechanisms for full regulation of the private security industry are presently missing and has stated that legislation will be modified and upgraded in the future to include ISDs.¹⁰⁶ In the meantime, the MIA has agreed to elaborate the present internal directives regulating internal security divisions.

6.1.5 Domestic SALW market

Moldova's domestic weapons market is regulated by the 'Law on Individual Arms'. Prior to the adoption of the Law, only hunting weapons could be bought and owned by hunters through the HFAM stores. While the 1994 Law liberalised the civilian arms market, it also ensured that the Moldovan Government continues to exert close control over domestic weapons ownership by stipulating that the sale of arms for civilian possession or possession by private companies can only occur within four 'Specialised Weapons Stores': 'Cartuş', 'Pulbere', 'Dinamo' and 'Halifax-com', which is an enterprise of the HFAM (HFAM – itself a state enterprise). All four stores are located in Chişinău and Cartuş has an affiliate in Bălţi. According to the MIA, these state enterprises are the only bodies licensed by the Chamber of Licences and authorised by the MIA to purchase, import and trade weapons and ammunition for civilian use. Other companies, organisations, institutions, and permanent residents of Moldova can trade weapons that were legally purchased by them through these gun shops after informing the MIA. Individuals also have the right to pass legally held weapons to a second person (if the person has the necessary authorisation) after registering the weapon at



Gun shop advertising

¹⁰⁴ Col Mihai Cebotaru, SALW National Focal Point and Deputy Head, Department of Public Order.

¹⁰⁵ Sergei Mihail Baschirteu, Vice President, Respect Protection and Security Service, Chişinău September 2005. It has been suggested that changing the law is not a priority for the MIA because they are making money from the current arrangement – i.e. the State Guard Service is gaining commercial contracts.

¹⁰⁶ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.



the police commissariat. The fact that the MIA both controls the internal SALW market through its four state enterprises, while at the same time regulating the same market, may present a conflict of interest. One industry insider has suggested that the MIA should relinquish its control of Moldova's domestic SALW market, and that the market should be regulated jointly by the MIA and SIS.¹⁰⁷ As of 2004, the MoD has also been permitted to sell weapons and ammunition from National Army stocks to military faculties in universities.¹⁰⁸

A substantial number of those tasked with implementing Moldova's SALW control system thought that the liberalisation of the domestic arms market had both negatively affected personal security and over-stretched police capacity: *'Short weapons [pistols and revolvers] do not improve the level of security at all, on the contrary, the people who have no guns feel intimidated by gun owners ... the police have a lot of problems inspecting and controlling just the hunters, their hunting and their weapons'*.¹⁰⁹ According to this view, all weapons apart from hunting weapons (and especially rifled weapons) should be prohibited for civilian possession.

6.1.6 Institutions responsible for internal SALW control

The Moldovan Executive has a range of competencies regarding domestic weapons control in Moldova, including: organising the production, purchase and sale of weapons, determining how state institutions maintain and use weapons, determining how the State Weapons Inventory and State Weapons Register are to be maintained and defining the list of ammunition and weapon types that may be sold to physical and legal persons.

The Ministry of Internal Affairs is the key government agency responsible for regulating weapons in the possession of individual citizens and legal entities. The 'Law on Individual Arms' (Articles 17-18), allocates the MIA the following competencies:

- Ensuring the control of the production, acquisition, holding, carrying, transport and use of weapons for use by individuals and legal entities;
- Issuing licences for those providing private detective activities and related activities;
- Issuing licences to gun stores, workshops for the repair and specialised production of certain types of weapons, their parts and smooth bore ammunition;
- Issuing licences for the acquisition of hunting and other rifled weapons as well as sporting, collection and training weapons; and
- Registration of privately owned rifled weapons.

In its function as the key national SALW control agency, the MIA is also tasked with submitting proposals to the Executive for changes to the existing legislation governing the production, acquisition, holding, carrying, and use of weapons. The MIA is also responsible for providing support to the BGS and the Customs Service by sharing information on arms trafficking and rendering assistance where necessary.

The local police commissariats, which are subordinated to the MIA's DoPO and the local civilian authorities, are responsible for both combating gun crime and the domestic arms control system. This entails ensuring that the relevant persons and firms adhere to legislation regarding the production, acquisition, holding, carrying, transport and use of weapons ('Law on Individual Arms', Article 18). Local police authorities are also responsible for:

- Issuing permits for the acquisition, holding, carrying and transport of weapons (except privately owned weapons – this the responsibility of the MIA);
- Registration of weapons owned by physical and legal persons (except privately owned weapons with rifled barrels as above);
- Recording weapons located in the territory under their competence;

¹⁰⁷ Simion Istrati, Director of the HFAM Gun-shop 'Halifax-com'.

¹⁰⁸ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of the Republic of Moldova', 15 December 2005, Chişinău.

¹⁰⁹ Ivan Ianioglo, Deputy Head, Gagauzia ATU Police.



- Issuing permits to shooting-ranges and hunting shooting centres; and
- Revoking permits granting the right to hold weapons and confiscation thereof in those cases when the law has been broken.

Further, in each police commissariat, a police officer is designated as responsible for ensuring the integrity, accounting, accumulation and monthly transmission of information to the DoPO on the number of found, sequestered, confiscated and voluntarily surrendered arms, as well as those used for committing crimes.

Other relevant authorities include the National Centre for Weapons and Munitions Homologation within the Department of Technical Supervision, Standardisation and Metrology, which inspects the technical standards of weapons; the Republic Commission for Evaluation, Price Estimation and Scrapping of Personal Weapons, which values recovered weapons and then allocates them for either re-sale or destruction; the BGS, Customs Service and the General Prosecutor, which are responsible for investigating and prosecuting violations of Moldova's SALW control legislation and regulations, and; the SIS, which also plays a role in combating serious weapons crime and co-ordinates efforts with both the Border Guards Service and the Customs Service.

6.1.7 Transfer controls

Moldova has two SALW transfer control regimes. The first regulates the import of 'weapons of self-defence' and their ammunition for use by individual citizens and legal entities. The second for the export of certain 'self-defence' weapons and the import, export, re-export and transfer of 'military weapons', which applies to the disposal of SALW from state surpluses abroad (or the import and then re-export of military-style SALW). These parallel licensing systems provide a complicated structure both for both analysis and implementation, and could be substantially streamlined.

6.1.7.1 Controls of civilian SALW transfers

The import of individual weapons and ammunition for civilian or commercial use, and the issuance of permits for the temporary transportation of weapons abroad, is governed by the DoPO within the MIA. Although the Chamber of Licensing grants licences for arms trade activity, only state-controlled enterprises can trade in arms. As a result, the MIA has established four state enterprises ('gun shops') that can purchase, import and sell weapons and ammunition for civilian and commercial use (see Section 6.1.5).

While these 'gun shops' have been licensed by the Chamber of Licences to import weapons, each purchase and import of arms for civilian use by these enterprises is performed on the basis of specific authorisations issued by the MIA. No information was provided to the Survey team on the MIA process for issuing permits for arms imports. The system for regulating the trade engaged in by these state enterprises is minimal, as they have only to report their activity every month to the DoPO. In this report the state enterprises should list the amount of weapons and ammunition imported, the number sold, their serial numbers, details of the purchaser and the numbers of weapons and the amount of ammunition left in their control. Every three months the MIA is obliged to verify the record-keeping system of the gun-shops, although no detailed explanation of what this 'verification' entails has been provided. Only those types of weapons that are in the State Weapons Inventory can be imported into the country, although individual examples of weapons not included in the Inventory can be imported into the country by the 'gun shops' for testing and addition to the Inventory.

According to the MIA, these four gun shops are the only Moldovan enterprises with licences to import weapons, yet information received from the Customs Service has shown that at least 15 other non-state organisations and enterprises have imported SALW, their ammunition and components since 2001. Although these imports are probably for internal use by the importing organisation (e.g. for their own ISD), rather than for re-sale, no information was provided to the Survey team on whether these enterprises have been issued with a licence to trade in arms by the Chamber of licences or the process for issuing import licences and authorisations for each import to these organisations. Further, it is not clear whether imports by these organisations are regulated by the MIA or the Division for Dual-Use Goods Trade Control.



The DoPO also issues permits allowing individuals and enterprises to temporarily carry their weapons across Moldova's international boundaries. Commonly this involves duty trips (e.g. military personnel), diplomatic couriers, sportsmen or military units. In these cases, the Customs Service requires an authorisation from the MIA in order to allow the SALW to be transported across the border. No information was available on the procedure for requesting such an authorisation and the criteria used by the MIA when deciding to issue authorisations.

By contrast, the system for controlling the export of 'self-defence' weapons follows that for the import and export of 'military' weapons (see below), according to which the Chamber of Licences grants five-year licences for activities in the field of military import/export. Control of the export of individual arms and automatic weapons with a calibre of 12.7 mm or less, their ammunition and components is provided for by the Control List of Strategic Goods. However, weapons for hunting and sporting purposes are not provided for on the Control List. It is consequently unclear whether the Division for Dual-Use Goods Trade Control or the MIA licences and regulates the export of hunting and sports weapons. This is an important loophole as it is known that the HFAM gun shop 'Halifax-com' has an arms export/import licence (although it has never requested an export authorisation) and that exports of hunting weapons have occurred in the past (for example, in 2001). It should further be noted that if the Control List of Strategic Goods were properly implemented, then the Division for Dual-Use Goods Trade Control, rather than the MIA, would also be responsible for issuing licences and authorisations to import 'self-defence' weapons. Representatives from the Moldovan authorities have agreed that the present system includes some grey areas of responsibility and that changes should be made.¹¹⁰

6.1.7.2 Exports of strategic goods and imports of SALW for Government use¹¹¹

The 'Law on the Control of Export, Re-export, Import and Transit of Strategic Goods' and Government Decision No. 606 'About the National System of Export, Re-export, Import and Transit Control of Strategic Goods in the Republic of Moldova' define the principles and procedures governing the import, export, re-export and transit of Arms and Dual-Use Goods Technologies (ADGT) included in the Control List of Strategic Goods (Annex 3). They also specify the competence and responsibilities of Parliament and Government regarding the Moldovan arms export control system. These acts provide for a two-tier control system whereby companies wishing to trade in ADGT must first obtain a licence to do so, before applying for authorisations for each individual transfer.

It is important to note that the transfer control system applies to all the items detailed in the Control List of Strategic Goods and includes a range of dual-use goods and technologies (including chemical and biological), as well as SALW. The Control List of Strategic Goods itself is based upon the EU list of dual-use items and the EU military list. The Division for Dual-Use Goods Trade Control oversees the import and export of all items with military significance, not just SALW. In conjunction with other responsible institutions, the Division it is responsible for updating the Control List on the basis of Moldova's international agreements and obligations. According to the 'Law on the Control of Export, Re-export, Import and Transit of Strategic Goods' (Article 8), the Control List should be based upon not only upon Moldova's national interests, but also international standards.

Issuing a transfer licence: The Chamber of Licences is responsible for issuing five-year licences to engage in the trade of military items. No information, however, was provided to the Survey team on the criteria for issuing licences to Moldovan enterprises for the import, export, re-export and transit of goods included on the Control List of Strategic Goods. Further, no information was provided on the number of licences that have been granted and refused by the Chamber of Licences. It should be noted that the Chamber issues general licences for companies exporting a range of goods and dual-use technologies not associated with SALW. Therefore, even if a list of companies with import, export, re-export and transit licences were available, it would not be possible to ascertain which companies transfer SALW, its ammunition and components, and which companies transfer non-SALW related ADGT.

Issuing an authorisation: Government Order 606 stipulates that in order to obtain an authorisation for transfers of SALW, their ammunition, and components, the applicant legal entity should provide the Division for Dual-Use

¹¹⁰ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of the Republic of Moldova', 15 December 2005, Chişinău.

¹¹¹ Division website, <http://www.cems.md/en/index.php>, accessed 20 November 2005; Ion Lupan, Head of Dual-Use Goods Circulation Control Division, secretary of the ICC on Strategic Goods Export, Import, and Transit Control.



Goods Trade Control with a transfer application and the following documents (this list of documents is slightly different for other strategic goods):

- Certification of the registration of the applicant as an economic agent;
- Licence allowing trade in armaments, weapons, ammunitions and components;
- Proof of the origin of the transfer items;
- Proof of the technical characteristics of the transfer items;
- Contract with foreign importing/exporting company (signed);
- Importing/exporting company's licence;
- End-user certificate for the transfer (obligatory for SALW); and
- International import certificate for the transfer (obligatory for SALW).

The Division then reviews the application and attached documentation with other relevant ministries (MFA, SIS etc) and departments, according to their respective responsibilities. After validating the application, in conjunction with the other relevant ministries, the Division presents the application to the ICC along with its advice as to whether the request should be authorised. The Division, on the basis of the ICC's decision, will then issue or deny the requested authorisation and notify the applicant within a 30-day period. If more time is necessary in order to review the application and verify the documentation, the Division may take an additional 30-day period (forming a total of 60 days), provided that the applicant is notified within 5 days of the end of the first 30-day period that the decision period has been extended. A decision on each application has to be made in this 60-day period, as there is no automatic approval mechanism when the period expires. These authorisations are time constrained, on the decision of the ICC, so that the authorised import or export has to take place within a set period of time.

According to 'Law on the Control of Export, Re-export, Import and Transit of Strategic Goods' (Article 4) the ICC makes its decisions based on the following criteria:

- Compliance with the Moldova's foreign policy;
- Protection of Moldova's national security interests;
- Fulfilment of Moldova's international commitments with regard to the non-proliferation of weapons of mass destruction and other strategic goods for military purposes;
- Fulfilment of international agreements to which Moldova is party; and
- Participation in international efforts to control the export of strategic goods.

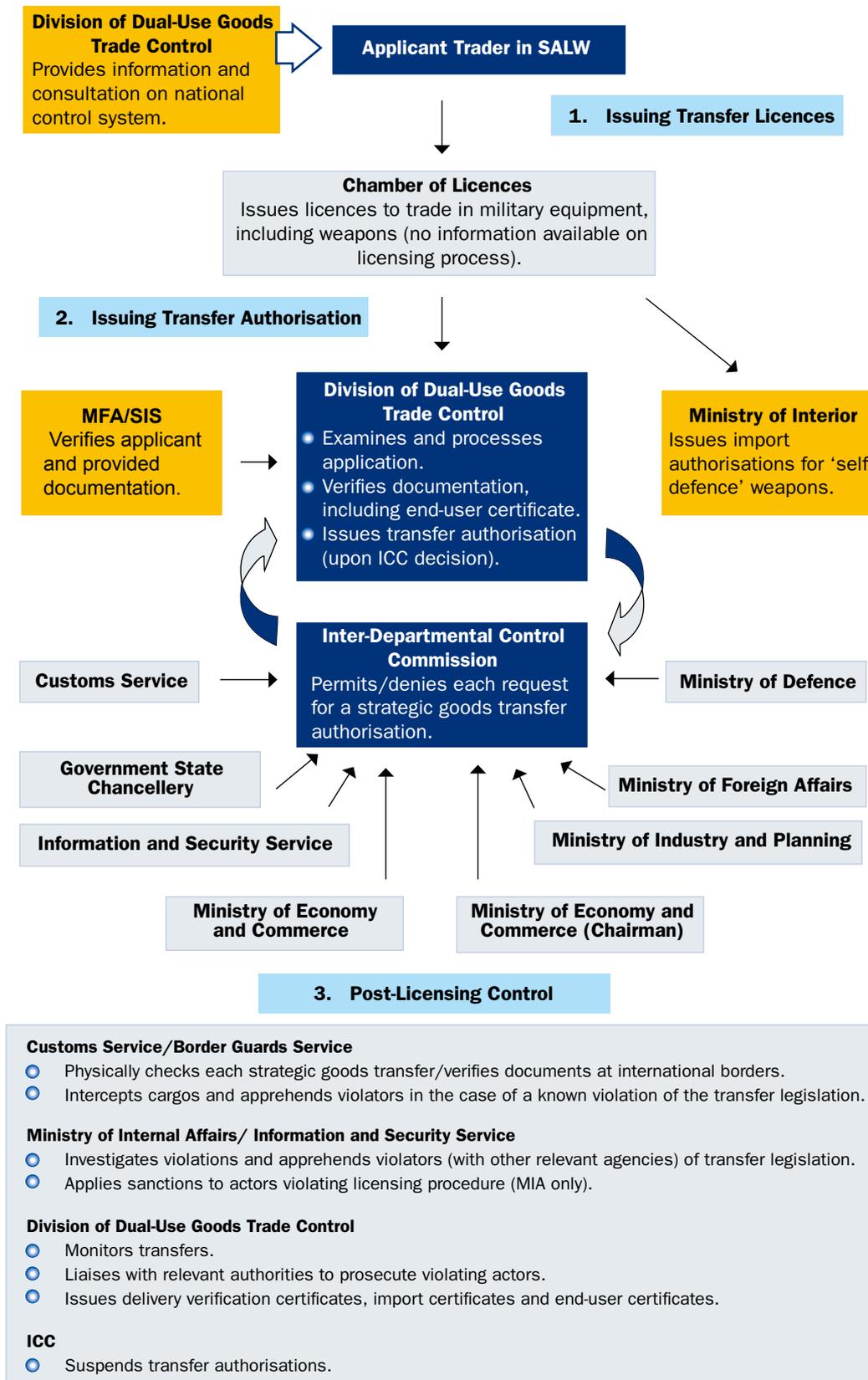
However, it is not clear how these principles are implemented in practice and whether transfer applications are assessed in terms of their likely effect on human rights, economic development, regional stability and conflicts at the point of destination, as required by agreements such as the 1998 EU Code of Conduct, which is fast becoming a European norm. Neither was any information provided on those incidents when transfer licences have been denied.

Sales of military surpluses have to follow the same authorisation procedure as private sales of military goods, as well as undergo an internal control process through the parliamentary 'Committee for the Sale of the Armed Forces', which reviews sales and disposal on a list of MoD property. It appears that SALW is not included on this list. As a result, it is not clear whether surplus SALW can legally be transferred abroad. Although requested, no additional information was provided on the operations or the remit of the committee. The process for MoD sales is, therefore, as follows:¹¹²

1. Potential buyer presents documents to the MoD
2. MoD asks SIS to verify documents/ company and destination
3. SIS makes recommendation to MoD
4. Committee for the Sale of the Armed Forces reviews sale
5. ICC decides on whether to issue authorisation
6. Division for Dual-Use Goods Trade Control issues licence/denies application

¹¹² Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.

Organogram B: Transfer Control System





6.1.7.3 International commitments in the field of arms transfer control

Moldova has committed itself to a number of international SALW agreements that should be reflected in the operations of Moldova's national arms control system. These are: the OSCE Document on SALW; the OSCE Document on Stockpiles of Conventional Ammunition; the UN PoA; and the Stability Pact's Regional Implementation Plan on SALW. Moldova has also stated its commitment to a potential legally binding Arms Trade Treaty (ATT).¹¹³ Moldova's contribution to international arms control as part of these agreements is detailed in Section 6.8 'International co-operation and information exchange'. It is the role of the Government and the Division for Dual-Use Goods Control to ensure that Moldova meets its commitments under the following agreements:

COMMITMENT	RATIFICATION / ALIGNMENT / ACCESSION DATES
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001 Reports in 2003 and 2005
UN Firearms Protocol	13 October 2005
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003

Table 27: SALW transfer control instruments to which Moldova is party

Although Moldova's participation in the above international arms control instruments has been a very positive development, there are still a number of international mechanisms that Moldova does not participate in. In particular Moldova has not so far aligned itself to the Wassenaar Arrangement or the EU Code of Conduct on Arms Exports (EU CoC, see box 10), and hence the EU Common Position on Brokering and the EU Joint Action on SALW. Although Moldova is in principle willing to align itself to the EU CoC, it requires technical assistance, in terms of a detailed explanation of the EU CoC and how it operates, and financial support.¹¹⁴

Box 10: The EU Code of Conduct

The EU Code of Conduct on Arms Exports is the most restrictive international arms transfer control agreement in existence. By aligning itself to the EU Code, Moldova would make an undertaking to assess all future export licence applications for military equipment and dual-use goods on a case-by-case basis against the provisions of the Code. These provisions include the use of eight criteria to be taken into account when considering licence applications. Licences are to be denied in cases such as those where there is a risk of diversion, or of the goods being used to facilitate human rights abuses, or where the arms transfer may aggravate an armed conflict. Moldova would also be required to make use of a common list of military equipment covered by the Code, and to circulate to other EU member states a confidential report on its defence exports and the implementation of the Code annually. Alignment to the EU Code would further bind Moldova to abide by all guidelines, decisions and positions related to arms transfers adopted by the EU. These include the EU Joint Action on SALW and the EU Common Position on Brokering.

6.1.7.4 Agencies responsible for transfer control

According to the 'Law on the Control of Export, Re-export, Import and Transit of Strategic Goods' and Government Decision No. 606 'About the National System of Export, Re-export, Import and Transit Control of Strategic Goods in the Republic of Moldova' the following institutions are responsible for administering the arms export control system in Moldova:

¹¹³ Declaration at the Workshop on *Global Principles for International Arms Transfers: Developing the UN Programme of Action and an Arms Trade Treaty*, Helsinki (Finland), 10 - 11 November 2005.

¹¹⁴ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chisinau; Interview, Ion Lupan, Head, Dual-Use Goods Circulation Control Division, secretary of the Interdepartmental Commission on Strategic Goods Export, Import, and Transit Control.



The Division of Dual-Use Goods Trade Control, Ministry of Economy and Commerce and Commerce has the responsibility to:¹¹⁵

- Monitor transfers;
- Provide information/consultation on the national control system;
- Liaise with relevant authorities to prosecute violating actors; and
- Represent the Moldova internationally in the field of arms transfer controls.

In addition, according to Government Decision No. 408 (22 April 2004) 'Concerning the activity of the Commerce Department', the Division on Dual-Use Goods Trade Control in the Ministry of Economy and Commerce (MoE) is the licensing and authorisation authority responsible for issuing authorisations for the transfer of strategic goods for both inter-state and commercial transactions. The Division is authorised to issue the following types of documents and certificates:

- Export authorisation - authorisation for single shipments of strategic goods from the customs authority of Moldova with an intent to locate them permanently on another country's territory;
- Re-export authorisation - authorisation to transfer strategic goods, whose origin is other than Moldova, from its customs territory or to export from the territory of another country strategic goods whose country of origin is Moldova;
- Transit authorisation - authorisation to convey strategic goods through the customs territory of Moldova;
- Import authorisation - authorisation to import strategic goods into the customs territory of Moldova; and
- Certificates - the Division also issues international import certificates, delivery verification certificates and end-user certificates.

As the licensing body for strategic goods, the Division fulfils a crucial monitoring and control role. Specifically, the Division has the obligation to verify the documents/declarations of legal entities that trade in strategic goods, all aspects of strategic goods transactions and the destination and end-use of each transfer. This monitoring role involves verifying the validity of international certificates of import, end-user certificates, or equivalent documents released by competent national authorities from the importing country. In the event of a violation of Moldova's control regime the Division has the right to interdict transfers of strategic goods as well as notifying the competent state organs of the violation in order to penalise the offending legal entities. No information was provided to the Survey team on whether the Division has ever used this power.

The Division is also allotted a regulatory role in ensuring that the Control List of Strategic Goods and other regulatory instruments are updated according to Moldova's international obligations (see table 27). The Division is also responsible for establishing the mechanisms, procedures and instruments to ensure that national policy regarding arms transfer control (including that formulated by the ICC, Article 24 of above) is implemented by the relevant governmental and state institutions. The Division also acts as an information and consultation agency regarding Moldova's strategic goods control system. This involves organising programmes to raise awareness amongst economic agents of the 'principles, objectives, norms and procedures' of the control system as well as providing specialised consultation services to economic agents interested in conducting arms transfers. Finally, the Division is responsible for representing Moldova and promoting its interests in international activities in the field of arms export controls. In this capacity representatives from the Division have attended several workshops on arms transfer control systems in SEE.

The Inter-departmental Control Commission (ICC) on Export, Import and Transit of Strategic Goods is the permanent governmental body responsible for applying the Moldovan Government's strategic goods control policy. This involves:

- Reviewing proposals with regard to signing or adhering to bilateral and multilateral agreements on non-proliferation of strategic goods;

¹¹⁵ Division website, <http://www.cems.md/en/index.php>, accessed 20 November 2005.



- Implementing controls on non-proliferation and the movements of strategic goods pursuant to Moldova's international and bi-lateral agreements;
- Whereas the Division for Dual-Use Goods Trade Control issues licences and authorisations for export, re-export and transit, the ICC is responsible for making a decision on each application for a transfer authorization; and
- Suspending authorisations to transfer arms in those cases where the traders violate existing legal provisions or infringe on provisions that derive from international agreements or national policy.

The ICC can also establish working groups of relevant experts from other ministries and departments to review legislation, propose changes and draft new legislation in order to improve Moldova's arms transfer control system.

The Moldovan Parliament has two key functions in the national arms transfer control regime, as stipulated in Article 6 of the 'Law on the Export, Re-export, Import and Transit Control of Strategic Goods': to determine the policy of the state on control of the export, re-export, import, and transit of strategic goods and to approve the list of countries to which restrictions on the export, re-export, import, and transit of strategic goods may be applied. Parliament is therefore ultimately responsible for deciding on future policy changes in this area, which might include adoption of the EU CoC by Moldova. Despite this, the current law does not provide for any form of parliamentary scrutiny of decisions by the ICC on issuing strategic goods transfer authorisations.

The Executive is responsible for creating all the necessary mechanisms to enable Moldova's arms export control policy (as defined by Parliament), including: creating and expanding the national system for control of the export, re-export, import, and transit of strategic goods; generating and approving the List of Controlled Strategic Goods, which shall be published in the Official Monitor of the Republic of Moldova; submitting to Parliament proposals for introducing restrictions on the export, re-export, import and transit of strategic goods; developing regulatory acts governing the procedures for control of the export, re-export, import, and transit of strategic goods, and; developing a policy for the issuance of permits for the export, re-export, import, and transit of strategic goods.

The Customs Service and Border Guards Service also play a role in Moldova's arms transfer control system as the agencies responsible for physical control over the transfer of strategic goods. The Customs Service can only allow goods included on the Control List of Strategic Goods to be imported into, or exported from, Moldova upon provision of the relevant permits issued by the Division for Dual-Use Goods Trade Control and the company's contract. SALW for commercial or individual use can only be imported into Moldova upon provision of a permit from the MIA.

The Ministry of Internal Affairs has responsibility under the 'Law on Individual Arms' (Article 17.c) for 'ensuring control of the import of weapons to the territory of the Republic and the export of weapons abroad'. This includes, issuing authorisations for the import of 'self-defence' weapons and the temporary export of weapons. The MIA is also the main institution responsible for coordinating efforts to prevent and combat the illicit trade in weapons, through investigations of violations of the transfer legislation and the apprehension of violating actors.

Other key responsible agencies include: the Ministry of Foreign Affairs, which verifies the authenticity of end-user certificates and international import certificates submitted by applicants, and ensures that applications do not violate Moldova's international non-proliferation commitments, and the Information and Security Service, which also helps to verify applications as well as investigating violations of the transfer legislations and apprehending those in breach of the regulations.

6.1.7.5 Weaknesses in the control system for SALW transfers

Although the current regulatory system appears reasonably thorough, there are still a number of weaknesses that need to be addressed:

The system does not at present incorporate mechanisms that allow for independent monitoring of its implementation. Specifically, the ability of the Parliament and public to scrutinise government decisions and



practice on arms transfers is extremely limited, consisting mainly of provisions for the presence of the Chairman of the Parliamentary Security Committee to participate in ICC sessions as an observer.

The existing legislation is lacking provisions or mechanisms in key areas. The law does not include adequate provisions to regulate the licensed production or transshipment of arms and dual-use goods. Further, according to the present legislation, every enterprise has the right to engage in brokering activities if they are registered with the Chamber of Licences. However, the present law on arms transfers does not include specific provisions for the regulation of brokering and shipping activities. Moldova's law does not cover the following types of brokering:

- Intermediary activity in the sale of weapons from the producer, exporter or re-exporter to the buyer;
- Shipping activity of the goods being transferred from the producer, exporter or re-exporter to the buyer;
- Provision of financing or financial services for arms transfers;
- Provision of insurance or re-insurance services for arms transfers;
- Provision of advertising or promotion services for arms transfers; and
- Transshipment activities.

The 'Law on the Control of the Export, Re-export, Import or Transit of Strategic Goods' also regulates the extra-territorial activities of Moldovan citizens and registered enterprises in 'trade operations with foreign states involving the purchase or sale of strategic goods, as well as the transfer of classified information and technologies' (Article 3.2). However, no provisions have been made in supplementary legislation to provide concrete mechanisms for implementing this commitment. Representatives from the Moldovan authorities have recognised these weaknesses within the present transfer control system and have committed themselves to harmonising legislation on brokering with EU standards and the EU Code of Conduct during 2006.¹¹⁶ Further, the Survey team has also been told that the new draft legislation in 2006 will include a clause on transshipment.

As it is difficult to obtain information on SALW transfer activities, it is unclear whether any brokering activity is presently engaged in by Moldovan citizens and registered companies.

There is a lack of clarity on how key decisions within the transfer control system are made. It is unclear what is required for a trader to receive a licence to trade in strategic goods, or of the criteria used to assess particular applications to transfer arms.

There is some evidence that reporting on Moldova's arms control system is not always correct. While the survey team was told by the MIA that only four enterprises are licensed to import weapons, Customs Service records show that substantially more enterprises have imported weapons since 2001. It has also been suggested that exports from Moldova's territory that were not authorised by the ICC have occurred.

Moldova's transfer-control system is overly complex and leads to weaknesses in key areas. Reports provided by Moldova to international institutions, such as the OSCE, are incomplete and do not include all of Moldova's imports and exports. There is a contradiction in the system - while pistols, revolvers and other automatic weapons are included in the Control List of Strategic Goods, their import should be regulated by the Division for Dual-Use Goods Trade Control, rather than the MIA, as is presently the case. Further, it is not clear who is responsible for regulating the export of hunting and sports weapons. While Moldova's submission to UNDDA under the UN PoA indicates that these problems have been remedied by the introduction of the weapon categories 'self-defence' and 'military', this simplification is not apparent in Moldova's legislation and has not yet been reflected on the ground.

The Customs Service has created internal regulations on how to process transfers that do not correspond to existing legislation. This internal order, Customs Department Order No.115-O (15 August 2001), has not been published. The order divides weapons into two categories - civilian and military - and states that individuals can import for personal use three individual weapons of different types and 400 cartridges or ammunition every year. The Order also states that valid authorisations to import weapons are issued by the MIA or the police

¹¹⁶ Experts from Lithuania and the Federal Office of Economics and Export Control (BAFA) in Germany have apparently been consulted on this matter.



commissariat of Gagauzia and that exports of weapons and components and munitions can be carried out by legal entities and individuals on the basis of a 'Transportation Permissions' issued by the MIA. None of these different elements are mentioned in Moldova's legislation and there consequently seems to be a significant discrepancy between stipulations in current legislation and how legislation is applied by customs agents.

6.2 Organisational capacities

A large number of state actors are tasked with SALW control responsibilities as part of Moldova's SALW control framework. It is, therefore, as important to evaluate the capacity of each individual organisation involved in SALW control to fulfil its tasks, as it is to consider the overall framework.

6.2.1 Ministry of Internal Affairs

The MIA is the key SALW control agency in Moldova. Its departments are engaged in almost every aspect of SALW control, from issuing SALW import authorisations for civilian SALW, through to registering civilian-held SALW and policing gun crime. As the roles of MIA departments are quite diverse, the capacity of each department is analysed separately below.

6.2.1.1 Department of Public Order

The DoPO is tasked with ensuring that the MIA's domestic arms control responsibilities are realised in practice. Its key SALW responsibilities are to issue weapon authorisations to individuals and legal entities and to maintain records of all registered weapon owners in Moldova. This work is conducted by the Authorisation and Arms Registration Section within the DoPO. The DoPO is also responsible for undertaking initiatives to combat unregistered weapons, either through seizures or collection campaigns. As such it has initiated two amnesty periods and is planning a third (see Section 6.5). The Department also co-ordinates the work of the MoD, SIS and BGS in relevant areas and develops measures to combat illicit SALW. It is, therefore, especially relevant that Moldova's National Focal Point (NFP) for SALW is a high-ranking official within the DoPO.

There is room for greater investment by the DoPO both in co-operation and co-ordination between the MIA departments involved in SALW control (police commissariats, INTERPOL National Control Bureau etc) and with the other state organisations responsible for SALW control (the MoD, SIS and Border Guards Service). At present there is a low level of understanding amongst the various departments and organisations of the roles and responsibilities of the other SALW control agencies. The DoPO, in which the Moldovan NFP is based, is well placed to improve the level of understanding through training and the provision of information.

6.2.1.2 Directorate for Technical Criminology

The Directorate for Technical Criminology is tasked with conducting ballistic tests of all weapons in Moldova, whether in civilian or state ownership, and creating a database of ammunition shells fired from each weapon. The Directorate also tests weapons that have been confiscated by the police. As the Directorate tests state-held weapons as well as those in civilian possession, the MIA, through the Directorate, effectively plays a part in SALW control of state-held weapons. According to the chief of section for the Directorate, it has so far tested over 50,000 weapons.

The Directorate estimates that its database presently includes all state-held weapons and the majority of publicly owned weapons. Nevertheless, the MIA wishes to create an electronic database of 'scanned' samples of barrels and bullets tested by the Directorate for Technical Criminology prior to registration, arguing that at present it takes a long time to manually check the existing database in the event of a crime being committed with a weapon.



6.2.1.3 INTERPOL National Control Bureau¹¹⁷

INTERPOL's National Control Bureau (NCB) was established in the MIA by Government Decision No. 294 (10 May 1995), and is based within the central MIA building in Chişinău. As Moldova is a full INTERPOL member, the NCB has full access to the INTERPOL system and databases. The NCB acts as the intermediary between MIA departments and other countries' INTERPOL bureaus on, amongst other issues, gun crime and SALW trafficking. INTERPOL NCB has a separate subdivision dedicated to arms crimes.

The NCB uses the 24/7 'INTERPOL Weapons Electronic Tracing System' – an intranet that is accessed by all INTERPOL member states and the General Secretariat. The system is used to exchange information between states and to ascertain if a weapon used elsewhere in Europe was used previously in Moldova and vice-versa. On average the system is accessed by the NCB between twice a week and once every two weeks. Most enquires from other INTERPOL offices involve stolen cars and human trafficking with only about 20% of enquiries involving weapons. In 2005 there were 192 requests for assistance related to weapon crimes from other INTERPOL offices, while INTERPOL Chişinău has made 23 requests for help concerning weapons from other INTERPOL officers in the period 2000-2005, and only once in 2005. None of these requests, both to INTERPOL Chişinău and from INTERPOL Chişinău, have resulted in actionable criminal intelligence. The Czech Republic and Russian Federation are the two countries that most often request weapon checks from INTERPOL Moldova. Requests received by the NCB for information from other INTERPOL member offices are forwarded to the DoPO for investigation. If the Moldovan police authorities have information on the involvement of particular individuals in arms trafficking, they can request the release of information on these individuals from the General Secretariat database.

6.2.1.4 Information and Operative Evidence Department

The Information and Operative Evidence Department holds the databases related to weapons control and is obliged to exchange information between the relevant SALW control departments within the DoPO. No information on the Department's capacity to fulfil its SALW-related obligations was available.

6.2.1.5 Department for Combating Organised Crime

The DCOC has been heavily involved in the recent MIA crackdown on organised crime in Moldova. Operations to combat gun crime committed by organised criminal groupings are usually managed by the DCOC, which also leads on major operations with the SIS.

6.2.1.6 State Guard Service

The SGS is responsible for regulating the operations of PSCs and internal security divisions in Moldova. However, the SGS also provides a range of security services to various client groups, often in direct competition with the PSCs that it regulates. There exists the very real potential for a conflict of interest between its role as a regulatory body and its role as a competitor in the market.

6.2.1.7 Carabineer

The Carabineer is a conscript paramilitary force. Its main role is to assist during national emergencies, such as riots or floods. It is also tasked with defending strategic assets during conflicts. In these cases, the Carabineer comprises an autonomous unit within the MIA and can be engaged at the direction of the Prime Minister (a civilian). According to legislation, the Carabineer acts under direct command of the MIA during crisis and emergency situations, and during wartime it is subordinated to the MoD.

The Carabineer is organised into two brigades in Chişinău. The first guards foreign embassies and international organisations and residencies, while the second patrols Chişinău and is used to ensure public order. There are a further two small battalions in Comrat (approximately 120-140 personnel) and Bălţi (approximately 200 personnel).

¹¹⁷ Andrei Cotorobai, Deputy Director, National Contact Bureau, INTERPOL; Valentina Litvinov, Director, National Contact Bureau, INTERPOL.



6.2.1.8 Inter-departmental co-operation

Although the MIA has a very advanced SALW control system, it has been suggested by interviewees that the present division of responsibility within the MIA is not conducive to the sharing of information. Under the present system the DoPO registers weapons, the Department of Criminology studies the ballistics and the Department of Information houses the relevant databases. For example, it is apparent that the potential of the NCB to make an effective contribution to fighting weapon crime and trafficking in SALW is being undermined by the low level of interaction and co-operation between the NCB and other security departments, both inside and outside the MIA. In general, security departments do not pay attention to information provided by INTERPOL or request information from it.¹¹⁸ This is partly due to a low level of understanding of INTERPOL's functions, capacity and responsibilities. For example, police offices in Chişinău and the regions are not aware of the INTERPOL system and do not utilise it (e.g. only 23 requests for information have been made in the last five years). At present, requests of information for weapons and weapon crime are made to the DoPO or the Information and Operative Evidence Department rather than INTERPOL NCB.

The low levels of co-operation are, however, also due to the present operative framework within the MIA. For example, the NCB is not informed automatically of gun crimes in Moldova and does not have automatic access to the DoPO database of weapon holders.¹¹⁹ Instead it has to apply for access to the DoPO and Information and Operative Evidence Department's databases. This arrangement serves to delay the NCB's access to information on weapons and weapon crimes, meaning that the information often proves to be out of date when it is finally received. For example, the NCB made a request for information on 26 July 2005 and received a response only on 15 August of the same year. The lack of direct access to the Information and Operative Evidence's database is in part due to incompatible technology.¹²⁰ It has been suggested by several interviewees that the MIA should both create a subdivision that houses a general database on arms and that information exchange between the relevant MIA departments should also be automated. Inter-departmental co-operation can also, however, be increased by improving the current operational framework to allow the free exchange of information at each department's discretion.

6.2.1.9 Internal SALW control norms and standards

The Survey team was not provided with any information from the MIA regarding the norms and procedures for: SALW purchases by the MIA departments; storage standards for MIA weapons and ammunition; training provided to MIA employees on weapons handling, and; the use of weapons by MIA employees (although all MIA weapons handling standards were said by the DoPO to correspond with MoD standards). Nor did MIA employees provide any information on cases of abuses of force/armed force. As a result, there is a good deal of room for improved MIA transparency on SALW issues. This is an area of special concern regarding the SGS, DCoC, Carabineer and special Fulger unit, all of which maintain and use high-calibre weapons.

6.2.2 Police commissariats

The local police commissariats are subordinated to both the MIA's DoPO and the local civilian authorities. The commissariats' key SALW responsibilities are to combat gun crime, ensure that laws regulating SALW are upheld, as well as issue authorisations for the purchase of smooth bore weapons and maintain a register of all weapons in their vicinity.



MIA firearm training
(Source MIA)

¹¹⁸ Andrei Cotorobai, Deputy Director, National Contact Bureau, INTERPOL.

¹¹⁹ Valentina Litvinov, Director, National Contact Bureau, INTERPOL; Andrei Cotorobai, Deputy Director, National Contact Bureau, INTERPOL.

¹²⁰ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.



6.2.2.1 Reform and code of conduct

The Moldovan police force is undergoing a dual reform process: firstly by upgrading its operational capacity and through improved training and equipment; and secondly by developing into a more ethical and citizen centred service. A range of international actors has supported both types of reform. These include the Council of Europe, the International Criminal Investigative Training Assistance Programme (ICITAP) and UNDP.¹²¹ Police Academy representatives have also participated in seminars organised by the Soros foundation. Modernisation of operative capacity has been improved by obligatory training at the Republic of Moldova Police Academy in police laws and the legal framework. Although theoretical training in all these areas is provided equally to all police officers regardless of department, once officers gain a managerial rank they receive advanced training. Moves towards a more 'citizen-centred' police force in Moldova have also been aided by the adoption of a Code of Conduct as well as a 1979 UN Decision and a Council of Europe Decision on police codes of conduct.

Police reform in Moldova is, however, undermined by the continued lack of civilian and parliamentary oversight of police actions. The oversight that does exist comes from the State Prosecutor and the MIA itself. The law stipulates that the State Prosecutor investigates cases where police officers have abused their position or authority and in other cases of police misconduct. The MIA also has the authority to suspend, discipline or dismiss officers internally without seeking criminal investigation. Further, a commanding officer may inform the MIA of the need for the State Prosecutor to investigate an individual, whose case will then be transferred to the Prosecutor's office.

The continued mistreatment of those in police custody, in combination with the high levels of detention that are a result of a 'system of quotas and rewards for police based on the number of crimes resolved',¹²² serves to highlight the need for institutional reform. Although the majority of individuals interviewed were of the opinion that such incidents were rare, the existence of these practices has been officially recognised. In March 2005 the Central Court in Chişinău ruled that the MIA had violated Article 3 of the European Convention on Human Rights by detaining Veceslav Drugaleov in inhuman and degrading conditions from August 1999 to 2001. In addition the Moldovan President has himself directed the MIA and Prosecutor General's office to curb abuses of power by the police.¹²³ As is generally recognised, there is also a good deal of room to improve police-citizen relations, as demonstrated by the HHS conducted for this Survey (see below).

6.2.2.2 Use of armed force

The Commandant of each police station is responsible for the safe storage of weapons within that station; each officer is responsible for his own weapon and the consequences of its use. These arrangements change in the case of police actions involving a number of police officers (for example, eight officers surrounding a house in an armed siege). In this case the senior officer in charge is responsible for the use of weapons by his subordinates. No details were available on cases of police officers being reprimanded for inappropriate use of weapons. However, regardless of the problems noted above, there has been a marked downward trend in the number of recorded incidents of Moldovan police using their weapons since 1998:

¹²¹ UNDP website, http://www.undp.org/bcpr/jssr/3_projects/, accessed October 11 2005.

¹²² *Report 2005: Moldova*, Amnesty International, <http://web.amnesty.org/report2005/mda-summary-eng>, accessed 02 December 2005.

¹²³ 'Moldovan President says police abuse of power must be curbed', Radio Free Europe, 13 January 2005.

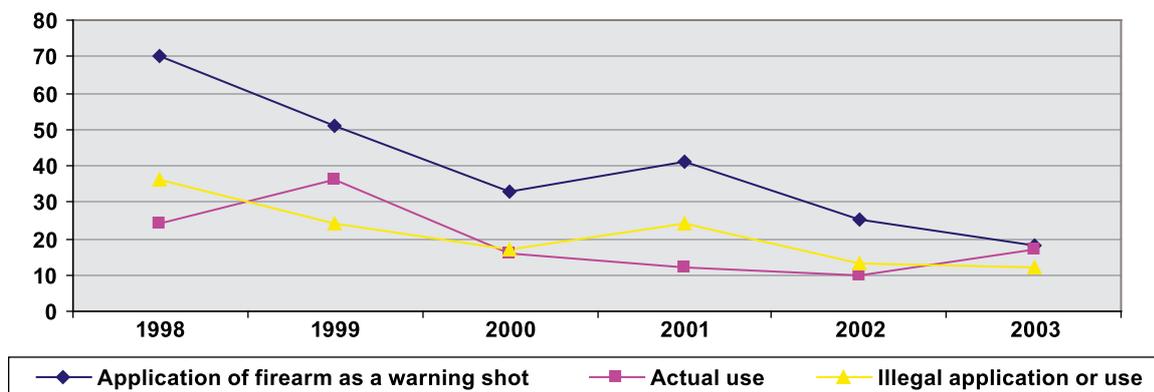


Figure 45: Number of weapon discharges by Ministry of Internal Affairs police officers, 1999–2003

(Source: Chişinău Police Academy)

Figure 45 also demonstrates that there is a downward trend in recorded illegal uses of weapons by MIA police, though there was a slight increase in 2001. This might be explained by the fact that the police were engaged in a high profile (and successful) anti-organised crime initiative at that time. Some accusations have been made that the use of force and weapons by the police in this initiative violated police norms and procedures on occasions. MIA statistics also show that in the majority of cases, police officers use weapons either in self-defence or during attempts to capture weapons:

USE OF WEAPONS	1998	1999	2000	2001	2002	2003
In response to an attack	20	20	10	16	10	5
In an attempt to capture weapons	8	10	6	7	5	1
TOTAL REGISTERED CASES	70	51	33	41	25	18

Table 28: Police officers' use of weapons in response to attack or in order to seize weapons, 1998 - 2003

(Source: Chişinău Police Academy)

All police officers are trained in the use of weapons. Officers receive approximately ten hours of theoretical and practical training at a military facility. Unfortunately, the Survey team were unable to research the content and delivery of the training course in any detail, or even police norms and procedures for the use of weapons. However, rather than being incorporated into a wider training programme based on the 'use of force', weapons training is taught as a separate unit. This represents a potential weakness in the training programme, as it is international best practice that the application of force should be gradual wherever possible, with weapons being used only as a last resort). Lastly, candidates are able to graduate from the Police Academy, and hence become police officers, without passing the weapons training course. This is a serious concern, as every police officer has the right to carry a weapon according to the Law and, upon graduation from the Police Academy, automatically receives a weapon licence. This means that police officers are entitled to carry weapons even if they have not passed the weapons training course. Such scenarios are not simply theoretical and there are at present a number of officers with service weapons who have not passed the Police Academy's weapon training course.

Although one police trainer feels that *'the type of lethal force weapon that the police have is sufficient for the need'*, he is also of the opinion that police officers need access to non-lethal weapons. While an overall reduction in the application and use of weapons by police officers could probably be accomplished by the purchase of non-lethal weaponry, a high degree of caution should be exercised in this matter given that abuse of police powers continues to occur. Greater emphasis should first be placed on limiting police use of weapons and improving training and internal oversight in the police service.

6.2.2.3 Combating SALW crime

Police commissariats have the key responsibilities of combating crime involving SALW and investigating and preventing trafficking of SALW across Moldova's national boundaries. No information was made available on the clear-up rates for reported weapons crimes and the Survey team could not actually determine whether this information had been compiled. An appreciation of the effectiveness of the police in combating violent crime in general can however be gained from the HHS. Overall, the FGDs and HHS showed that there is a low level of public confidence in the ability of the police to combat crime and provide security. This was highlighted by respondents expressing a lack of trust in the police and unwillingness to turn to them in the event of a crime. Only 54.1% of respondents in the HHS would turn to the police if they or their family were threatened with violence, while just 27.6% of respondents judged the police to be 'efficient' in protecting society from violent crime:

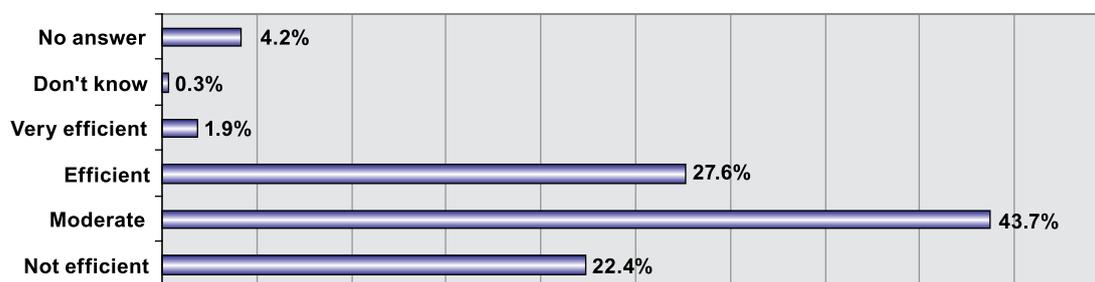


Figure 46: How efficient do you judge the police to be in protecting society from violent crime? (Base N = 1518)

Further, of those HHS respondents who had been victims of crime, only 15.8% had turned to the police and had had their case solved. Therefore, there would appear to be a distinct contradiction between those (54%) who said they would turn to the police if threatened and those who having been victims of crime in fact did turn to the police (16%). It is worrying that the public feel so alienated from their police, a fact that must surely hamper their effectiveness.

While this poor perception of the police might not reflect the actual capacity of the police to combat violent crime – including that related to SALW – it is also possible that the police might not have the necessary skills and resources to investigate and prosecute SALW crime. This assessment has been supported by a number of interviewees. A fuller assessment of the capacity of the police to combat crime is, however, beyond the scope of this Survey.

Certainly, police officials interviewed by the Survey team demonstrated a good understanding of the SALW control system for weapon registration by civilians. However, there was some indication that police officers do not always prosecute people in their community for breaking the law on holding and using weapons. While the ability of the police to investigate and prosecute SALW crime is unclear in some respects, the fall in SALW-related crime in recent years can probably be traced in part to ongoing preventative measures taken by the police, including:

- Rigorous implementation of the licensing system;
- Strict implementation of the law when conducting inspections of the use and storage of weapons, as demonstrated by the seizure in 2005 of:
 - 3,627 weapons for exceeding the registration period;
 - 1,633 weapons for violating the rules on holding, purchasing and transportation; and
 - 56 for breaking trade regulations;
- Ongoing initiatives to seize unregistered weapons.



6.2.3 Republic Commission

The Republic Commission for Evaluation, Price Estimation and Scrapping of Personal Weapons was established in May 2000 by Government Decision No. 46 (16 May 2000). The role of the Commission is to evaluate the technical state of weapons that have been seized or surrendered and, on the basis of this evaluation, decide whether the weapons should be destroyed, sold on the civilian market or retained. If weapons are considered to be unsafe then they are earmarked for destruction. In the case of seized weapons, the courts decide whether the weapon should be returned to the owner or presented to the Commission for evaluation (dependent upon the nature of the violation or offence). The courts also decide whether the money from the sale of those weapons is given to the owner or the state. The Commission has a storeroom in the MIA building containing some 300 units awaiting evaluation. The remaining 4,070 seized or surrendered weapons are stored in the MIA central depository or in police stations.

The Commission is comprised of representatives from the Authorisation and Arms Registration Section, the National Centre for Weapons and Munitions Homologation, and representatives from the four 'gun-shop' state enterprises and the fiscal authorities. In 2004 the Committee convened three times and allocated 1,513 of the weapons seized or collected from the general public for destruction.¹²⁴ The work of the Republic Commission does not seem to suffer from any deficiencies or lack of capacity.

6.2.4 National Centre for Weapons and Munitions Homologation

According to Government Decision No. 44 (18 January 18 1995), the Standards and Metrology Service, with the assistance from the MIA, has the task of evaluating the technical state of weapons, munitions and pyrotechnic products in circulation in Moldova. This task is carried out by the National Centre for Weapons and Munitions Homologation (previously the Centre for Technical Supervision of Weapons). During 2004-2005, the Centre carried out technical inspections in 14 regions of the country. Importantly, the National Centre also provides assistance to state security services in ensuring that their weapons meet safety standards.

The Centre is a 'state enterprise' and also acts as a conduit for information regarding domestic arms controls and the domestic arms market. Part of its work is conducted through its website, which provides information on the gun shops licensed to trade in SALW and ammunitions, repair workshops and the registration system.¹²⁵ There are no apparent deficiencies in the National Centre's mode of operation.

6.2.5 Customs Service and Border Guard Service

The Customs Service is the main body responsible for controlling the legal transfer of SALW through the country as well as intercepting illicit arms transfers at border crossing points. The BGS also shares responsibility for combating cross border trafficking, though it plays a secondary and advisory role at border crossing points.

6.2.5.1 The Border Guard Service¹²⁶

The Border Guard Troop Service (BGT) of Moldova was created following Moldova's independence from the USSR and was initially subordinated to the 'Ministry of National Security', now disbanded. In 2000, the BGT became an independent department directly subordinate to the Government, although it was still a national security agency. In 2005, the organisation was reorganised into the 'Border Guard Service' (BGS) of Moldova and should, by 2007, develop into a criminal investigative body, similar to the police but independent of the MIA. At present the BGS cannot conduct criminal investigations or prosecute border-related crimes, which means that stop-and-search remains the leading form of protection against trafficking. Instead, responsibility for investigating trafficking lies with local police forces, a system which does not provide Moldova with the most effective means to safeguard its borders against illicit material.

¹²⁴ *South Eastern Europe SALW Monitor 2005*, SEESAC, Belgrade, 2005.

¹²⁵ <http://www.csta.from.md/>, accessed 12 November 2005.

¹²⁶ Lt Col Vitalie Fortuna, Head of Training and Human Resources Department, Border Guards Service and Lt Col Sergiu Josanu, Head of the Armament Section, Border Guards Service.



In 1992, the BGT started guarding the 686km Romanian–Moldovan border, which runs mostly along the Prut River. However, the BGS only started to guard the 1,222 km Ukrainian–Moldova border in 2001 and is still not able to guard the 435 km of the Ukrainian–Moldova border that is controlled by the Transdniestrian Authorities. Further, BGS personnel do not patrol the internal border between the territory controlled by the Moldovan Government and that controlled by the Transdniestrian authorities, as this is not considered to be a border.

The BGS has a central headquarters in Chişinău, five regional headquarters (North, West, South, East and Chişinău), 70 posts guarding the ‘green’ border and 48 checkpoints guarding road, air, river and rail routes into Moldova. While all the border posts along the Romanian-Moldova border are permanent, the Ukrainian-Moldova border is serviced by both permanent and mobile posts. The BGS has also built a training centre and firing range at Ungheni with financial support from the EU. In total the BGS is comprised of about 5,500 border guards. Although conscripts still comprise a large percentage of BGS personnel, it is hoped that all border guards will be on a professional contract by 2007.

The BGS detains between 30 and 100 people every month in the routine conduct of its business. Detainees include both opportunistic criminals as well as more serious criminals. Hunting weapons have been discovered along the green border, but in no great numbers and the BGS do not consider SALW to be a serious threat. When the BGS discover contraband outside of joint operations with the Customs Service or MIA, it is obliged to inform the General Prosecutors Office. As these seizures are reported to the General Prosecutors Office, the BGS does not itself keep a central database of SALW interceptions and seizures.

Those BGS representatives interviewed felt that high-tech signal equipment, video surveillance equipment (especially for arms stores), a centralised database and online facilities at BGS checkpoints would improve the ability of the BGS to fulfil its duties. Online facilities are deemed to be especially useful for improving communication and co-operation with other agencies. Such co-operation does take place at the moment, but the information provision process is slow. For example, information is only updated with the MIA once a day. Further, the BGS would also like to be provided with plastic bullets.

6.2.5.2 Customs Service¹²⁷

The Customs Service operates at 113 international customs posts and at a number of checkpoints along the internal border with Transdniestria. Following a change of legislation at the beginning of 2005 the Customs Service has become a national security agency and has the same status as the BGS. The legal basis for the processing of SALW transfers by the Customs Service is provided for by the following legislation:

- ‘Customs Code of the Republic of Moldova’ (Law No. 1149-XIV, 20 June 2000, Monitorul Oficial al R. Moldova, 160-162 from 23 December 2000);
- ‘Law on Licensing’ (Law No. 451-XV from 30 July 2001, Monitorul Oficial al R. Moldova, 108-109, 06 September 2000 and Monitorul Oficial al R. Moldova, No 26-28 18 February 2005);
- Government Decision 207 ‘On custom regime’s application’ (26 February 2003, Monitorul Oficial al R. Moldova, 30-34 4 March 2003); and
- Customs Department Decision 276-O ‘On Custom Procedures’ (24 October 2002, Monitorul Oficial al R. Moldova, 162-165 06 December 2002).

The Customs Service inspects 70 – 80% of all goods that enter Moldova by air, train or road, at the 113 customs posts. The inspections are performed randomly and include checks on small cars and buses, which are thought to represent a risk. The Customs Service has also established a list of ‘risky goods’, which are processed with more attention,¹²⁸ however, the contents of this list are not known. For a detailed analysis of customs control over air transfers see Annex B.

All 113 customs posts are in the process of being equipped with computers for 24/7 online access, so that customs officers at remote customs checkpoints can check the validity of consignments of goods on a central

¹²⁷ Nikolai Gumenai, Deputy Director, Customs Service.

¹²⁸ Mihai Cozari, Director, Ungheni Customs Bureau.



database in real time. For example, on 01 October 2005, the Ungheni Customs Bureau (UCB) started using the ASIKUDA-World-5 customs information system. As the Customs Service would like to be able to scan all vehicles that pass the Moldovan border they have been equipped with a scanner at Giurgulesti and have acquired new equipment for the Criva customs post. According to the Deputy Director of the Customs Service the Moldovan Government is currently discussing a proposal to buy more equipment for the service.

6.2.5.3 Co-operation between the BGS and Customs Service

Although the Customs Service has primary responsibility for checking vehicles transiting Moldova's international border, the BGS can conduct spot-checks of vehicles at checkpoints as well as those travelling along roads 10 km within the border. The BGS also collaborates with the Customs Service in identifying suspect vehicles, as the majority of spot-checks at checkpoints are conducted by the Customs Service. Yet information exchange between the BGS and Customs Service is at present weak. For example, the BGS does not have direct access to the Customs Service's Asikuda system and the Customs Service does not have access to the BGS PASSAGER. Greater exchanges of information would allow both the BGS and Customs Service to perform focused checks on persons and vehicles, rather than conducting random checks as is presently the case.

It is also important to note that corruption among BGS and Customs Service staff could undermine effective SALW control along Moldova's international borders, especially when there is a degree of complicity between the two services' staff. For example, the Military Prosecutor investigated a corruption case involving collaboration between a border guard and a customs official in 2005.¹²⁹ Although research on corruption falls outside the remit of the present report, previous studies have analysed the subject in detail and have concluded that, continued low salaries and poor levels of motivation amongst personnel mean that corruption remains a very real threat.¹³⁰

6.2.5.4 Co-operation with Ukraine border services

The Ukrainian authorities have, up until 2005, not routinely co-operated with their Moldovan counterparts on border control matters. This unwillingness to co-operate has included resisting the establishment of joint border controls and posts on Ukrainian territory.¹³¹ However, since the beginning of 2005 and the election of President Victor Yushchenko, there have been efforts by the central Ukrainian authorities to improve border controls along the Ukraine-Moldova border and to improve co-operation with the Moldovan Customs Service and BGS. Measures taken include:¹³²

- Mutual agreements between Ukraine and Moldova to combat cross-border smuggling;
- The Security Service of Ukraine has set up 'special units' to monitor how well borders and customs are functioning;
- Punishment of corrupt border and customs officials (although no details were provided);
- A two month period between March and April 2005, when the Ukrainian border guards increased security along the green border and Ukrainian customs refused to pass cargoes from Moldova that did not have the appropriate customs stamps (see Annex C);
- A month-long period in February 2005 when the Ukrainian customs authorities in Odessa began to rigorously control shipments destined for, and originating from Tiraspol;

¹²⁹ Lt Col Igor Dorfman, Prosecutor, Military Section, Office of General Prosecutor.

¹³⁰ Obreja, E. *et al*, *The Customs Activity in the Republic of Moldova and Corruption*, Transparency International, Chişinău, 2003; Carasciuc, L. *et al*, *Corruption and access to Justice*, Transparency International, Chişinău, 2002; *National Strategy for the Prevention and Combat of Corruption*, Transparency International, Chişinău, 2002.

¹³¹ The joint border controls were suspended soon after Moldova introduced new customs stamps, which it refused to share with Transdnistria. The Ukrainian authorities described this measure as an 'economic blockade'. *Moldova: Regional Tensions over Transdnistria*, ICG Report No. 157, (2004) Chişinău/ Brussels.

¹³² Interview with Ukrainian official; Lt Col Vitalie Fortuna, Head of Training and Human Resources Department, Border Guards Service and Lt Col Sergiu Josanu, Head of the Armament Section, Border Guards Service; Interview with Damien Helly, ICG Consultant.



- The re-establishment of joint border controls at five border crossings;¹³³
- The joint invitation of the Ukrainian and Moldovan Presidents to the EU to begin a border monitoring mission of the Ukraine–Moldova border; and
- Negotiations on joint border control along the central Transdnistrian-controlled section of the Ukraine–Moldova border have restarted.

Despite the increased co-operation between Moldova and Ukraine from the beginning of 2005, there is still a large degree of disparity between Moldovan and Ukrainian policy over the right of Transdnistrian companies to export goods in general (see Annex C). Until agreement on the status of Transdnistrian exports and imports is gained, co-operation between Moldova and Ukraine on border controls will continue to be undermined. There is, however, great potential for enhanced co-ordination of border and custom resources through the implementation of joint border controls¹³⁴ and the EU Border Monitoring Programme.

Box 11: Ukraine Border Management Capacity

The Ukrainian border guard service has 4,000 personnel, of which 1,800 are posted along the stretch of border controlled by the Transdnistrian authorities, and 53 border posts guarding the Ukraine–Moldova border. As of December 2005, the Ukrainian border guards are serviced with: two helicopters; three boats; five 'projection stations' with searchlights; and 10 pieces motorised vehicles. Ukraine has also in 2005 built a 144 km trench to stop cars driving across the border, and installed 747 new warning signs in Ukrainian marking the border. While the customs service is primarily involved in physical control of persons and vehicles at the border, the Ukrainian border guard service is involved with processing and checking personal documents. In this function, the border guards have large equipment deficiencies. The border guard service is allocated the primary co-ordination role on anti-smuggling issues in Ukraine and has been provided with financial assistance and equipment by the US, EU, and IOM. Co-operation between the border guards and customs is better at the local level than at the national level, but still needs to develop. While in border areas there is dual competence between border guards and the MIA, border guards can only operate in border zones (unlike in EU countries) and beyond a certain perimeter the MIA has sole jurisdiction. Further, each service runs its own unconnected database and there is poor inter-agency information exchange.

Although Ukrainian willingness to combat trafficking activity across the Ukraine–Moldova border has increased in 2005, the capacity of the Ukrainian border and customs services to enforce border controls is still limited (see box 11). According to the Ukrainian Special Representative to the Moldova–Transdnistria conflict, at present Ukraine is only operating 60 out of 78 border-crossings due to a lack of funds. The Survey team was not able to verify the accuracy of these figures. Further, it appears that moves by central government to tighten border controls have not always been reflected in an actual tightening of border controls on the ground.¹³⁵ According to independent observers, corruption is also still entrenched in the Ukrainian border guards and customs, with a payment of US\$ 17 sufficient for a car to cross the border unchecked.¹³⁶

According to the Ukrainian Special Representative, however, the customs/border controls on the Ukraine–Moldova border are good, with as much as 60% of containers being inspected on the Ukraine–Moldova border and 96% of containers being checked in Odessa. It is also maintained that Ukraine adheres to all the relevant EU standards and even surpasses international norms for cargo inspections, as exported items normally undergo customs inspections at their point of arrival. However, since Transdnistria is not recognised, Ukrainian border and customs officials also inspect all cargoes originating from Transdnistria, whether they possess a Transdnistrian or Moldovan customs stamp. The Survey team was again not able to verify the accuracy of this information.

¹³³ These border points are: Criva – Mamaliga; Britcheny – Rossoshany; Larga – Kelimentsy; Medveja – Zelonaya (all the first four are in the Northern Section); and Giurgiuleshty – Remy in the Southern Section. More joint border controls will follow at different crossings. Dmitro Tkach, Special Representative to the Moldova–DMR conflict, Ministry of Foreign Affairs of Ukraine.

¹³⁴ For a history of Ukrainian Moldovan Joint-Border Controls and options for the future, see *Establishing Joint Border Checkpoints on the Transdnistrian Sector of the Moldova – Ukraine Border*, IPP, Chişinău, 2005.

¹³⁵ Damien Helly, ICG Consultant.

¹³⁶ Natalya Belitser, Researcher, Pylp Orlyk Institute for Democracy and Oleksia Basarab, Research Director, Strategic and Security Studies Group.



6.2.5.5 International assistance and further needs

The BGS and Customs Service have already received international assistance including training and equipment provision from a number of sources. Assistance to date has included:

- A UNDP-run technical assistance project, co-financed by the EU that involves a range of experts looking at different areas of BGS operations, such as legislation;
- An EU/UNDP co-funded € 1,942,500 project to cut illegal migration and drugs trafficking, as well as to combat terrorism and organised crime in Moldova;
- Training in the framework of the TACIS Cross Border Co-operation Small Project Facility programme (TACIS-CBC) and TACIS Transport Corridor Europe-Caucasus-Asia, (TACIS-TRACECA), programme;
- The European Commission funded several projects aimed at modernising Moldova's border crossing checkpoints including, amongst other measures, training on search techniques for hidden goods (including weapons and ammunition);
- The 2003/2004 US Export Control and Related Border Security (EXBS) programme, which assisted Moldovan customs with border control projects and collaborated with the Moldovan Department of Civil Defence on a project to create a 'first response unit' for weapons of mass destruction;
- The provision of approximately US\$ 6.23 million for security and law enforcement assistance to Moldova by the US State Department in 2004, a sizeable portion of which went towards improving border controls;
- US financed seminars to enable custom officials to recognise items on the Control List of Strategic Goods; and
- Provision, by the US Department of State, of software ('Product Identification Tool') for the Customs Service describing each item on the Control List of Strategic Goods, 70% of which are aided with pictures. This software will be available to customs officers from February 2006 and will be incorporated into the Customs Service's Asikuda system.

In principle, donor co-ordination to improve Moldova's border management should not be problematic as a 'National Co-ordination Committee', comprised of USA, EU, BGS, MFA and Customs Service members, exists to manage financial aid and assistance for the Customs Service and BGS. For example, it co-ordinated funding for the installation of the Custom Service's Asikuda system.

Box 12: EU Assistance

Efforts to tackle the trafficking of goods, including SALW, across the Ukraine-Moldova border are being aided by an EU Border Monitoring Mission which was launched on 07 October 2005, following an official request from Moldovan President Vladimir Voronin and Ukrainian President Victor Yushchenko in a joint letter on 02 June 2005. The EU mission headquarters are in Odessa and the project is being implemented by the UNDP. The EU mission is centred on capacity building and has no executive powers – it only provides advice, training and skills transfer. Monitoring is the least significant part of the mission. The EU is spending € 7 million on the Mission. While the Mission is not financing purchases of equipment for border guards, some money will be spent on equipment for the EU border advisers (almost three quarters of the budget is allocated for staff costs). The Mission also encompasses teams based in Chişinău and Kiev working with border and customs authorities on risk analysis.

While Moldova has expressed disappointment that the Border Mission will not be mandated to restrict trade to and from the Transnistrian region, Moldovan officials generally seem to be optimistic about the impact that the EU Border Mission will have on trafficking. The BGS service have stated that they expect good results from the EU Border Assistance Programme and think that the *'the EU Mission will help to solve the joint control issue [with Ukraine]'*. The Customs Service is also positive, stating that the EU border mission will help them to actively control the Ukraine-Moldova border within two years.

6.2.6 Ministry of Economy and Commerce

The Ministry of Economy and Commerce manages the Division for Dual-Use Goods Trade Control and acts as the head of the Inter-departmental Control Commission. The Ministry also houses a sub-division tasked with co-ordinating international aid. The Division for Dual-Use Goods Trade Control, as well as issuing authorisations for

the transfer of strategic goods, also acts as a national clearinghouse for information on the Moldovan national arms export control system. As part of this function it maintains a website in three languages on the system. The staff in the Division have shown themselves to be both capable and dedicated. The principal weakness in the Division is a lack of manpower and finance.

6.2.7 Ministry of Defence and the National Army

The principal responsibility of the Moldovan National Army regarding SALW control is to maintain and secure national stockpiles of both surplus SALW and SALW in active service. Unfortunately the financial resources available to the army are extremely restricted. The Moldovan military budget is the lowest of any of the post-Soviet republics.¹³⁷ The consequent severe lack of financial resources presents very significant problems to the Moldovan military and for ongoing attempts at SSR. For example, the salary for a conscript in the Moldovan Army is still low at only US\$ 4 a month, with many young officers leaving the army for the private sector. Naturally these financial shortages impact on the National Army's SALW control capabilities to some degree. Beyond financial shortages, several commentators have stated that the MoD is also beset by overly bureaucratic and inefficient practices that may also inhibit SALW control.

6.2.7.1 SALW storage standards

No information was provided to the Survey team on the location of MoD/National Army stockpiles. Further, no information was provided on the physical security of National Army stockpiles and the Survey team was not given access to the National Army's storage facilities. However, it is known that the Moldovan army's storage standards are provided for by the 'Regulation for the Garrison and Guard Service of the Army of the Republic of Moldova' (compliant with the Decree of Republic of Moldova President No.322, 06 October 1995).

The Moldovan 2005 submission to the UNDDA provides some information of the physical standards as they are (rather than as they should be).¹³⁸ Conscripts are still used to guard National Army storage facilities and stockpiles. Guards operate according to the 'Manual on Garrison and Guard Duty', and the number of guards varies according to the size of the facility being guarded and the territory where it is located. Conscripts guarding such facilities have the right to use their weapons. This includes a right to use warning shots if a trespasser fails to respond to a command. While not all facilities are guarded with dogs, they all have 'appropriate' fencing, made from either barbed wire or concrete. All storage facilities are also said to have external lighting and an alarm system, fire-alarm system and lightning protection. Due to budgetary constraints, videos and cameras are not presently used at National Army stockpiles and storage facilities.

According to Moldova's UNDDA submission, inspection of storage facilities are carried out by: unit commanders and their deputies on armament (in the presence of those responsible for the arms and ammunition contained in each storage facility), the respective chiefs of Departments and Sections of the General Staff and those responsible for conducting inventory inspections (see below).

According to the Military Prosecutor, weapons kept in storage are only released when exercises take place. The chiefs of the respective Departments and Sections of the General Staff are responsible for establishing the procedure for access to storage facilities. Individuals can gain access to stockpiles and storage facilities only after receiving a permanent or temporary pass, signed by the unit commander and endorsed with the unit's official seal. A list of individuals that are authorised to access each storage facility or stockpile is kept in the guard building and is accessible to the guard officer. Keys to the facilities are also kept in the guard building.

There have been a number of thefts from MoD stockpiles and storage facilities. An investigation was launched by the Office of the Military Prosecutor, following the theft from a brigade store in 2004 of 200 grenades, 31 grenade-launchers and more than 90,000 rounds of ammunition. The investigation found that the storage security standards at the brigade's stores did not properly correspond to regulations. The Chief of the Armament Service of the unit was found to be negligent in his duty, as he allowed unauthorised persons access to MoD facilities, and was jailed for three years. The Chief of Guard on duty at the date of theft was also found to be

¹³⁷ Jane's World Armies, 2005.

¹³⁸ *Op cit*, Moldova UN PoA Report.



negligent in his duties and was suspended from service. The individuals who actually stole the weapons were sentenced to between 11 and 14 years, according to guidelines within the Criminal Code. The MoD has since insisted that all the stolen items have been recovered. In November and December 2005 checks were made to ascertain whether the situation regarding storage standards had changed and the Military Prosecutor maintains that almost all problems have been resolved.

6.2.7.2 Record keeping and inventory inspections

According to Moldova's UNDDA 2005 submission, the Rocket and Artillery Armament Section (RAAS) of the General Staff is responsible for inventory control and manages information on the holdings, stocktaking and transfer of weapons by the National Army. Record keeping at the National Army's SALW stockpiles is mostly manual and paper-based, with limited use of computers at present. For each unit of SALW held, records should list the type of weapon, its serial number and category. This data is kept at the RAAS for five years before being transferred to the military archive.

Inspections of the National Army stockpiles are run by the Chief of the RAAS on an annual basis and approved by the Chief of the General Staff. Inventories are carried out as follows:

- Physical checks by the persons responsible for each inventory;
- Inspections by authorised officers;
- Verification that the number of weapons tally with the figure in the armament service database (conducted twice a year by unit commanders); and
- Inspections of weapons assigned to each unit is conducted by all commanding personnel:
 - Squad leader – daily;
 - Platoon commander – weekly;
 - Company commander – once every two weeks;
 - Battalion commander – once every three weeks; and
 - Brigade commander – once every six weeks.

Regulations for transportation of arms and ammunitions are detailed in the appendix to MoD Order No. 260, 'Manual on rocket artillery arms maintenance'. According to the manual, transfers of arms and ammunition from stockpiles and storage facilities can only take place in military vehicles and upon the order of the Chief of the Armament and Logistics staff. Arms and ammunition must be packed into standard sealed cases and the transport should have a list of the equipment being transported (including quantity of equipment, details of the factory where equipment was produced, serial numbers and year of manufacture) and hand-over/receipt protocols. All different types of equipment should be transported separately in different vehicles.

According to one informed interviewee accurate records of MoD stockpiles are not kept and there is a high probability that stocks are illicitly taken out of the system. However, bar the prominent theft in 2004, recorded thefts from military stockpiles have been almost non-existent since 2002. Without further information on the inventory system, the Survey team is unable to comment on its suitability in ensuring against thefts from SALW stockpiles.

6.2.7.3 International Assistance

The Moldovan army receives bi-lateral assistance from a number of foreign states. The US has provided training in peacekeeping, training of non-commissioned officers and English language training. The UK provides assistance through the Defence Relations Action Programme (DRAP) and has offered support to a range of projects. These programmes have included: human resource management, English language training, training for non-commissioned officer instructors, advanced command and staff classes, as well as destruction of ammunition. Further training is provided as part of the NATO PfP programme.

6.2.8 Ministry of Justice

While the MoJ does not have a SALW control responsibility, servicemen within the Penitentiary Department of the MoJ are armed while on guarding duty at prisons. MoJ weapons are distributed amongst the MoJ's 20 penitentiary institutions. No information was provided on the location of these institutions or whether there exist any stockpiles outside of the institutions. The MoJ has stated that rules for arms storage are similar to MIA rules.

No information was provided on the weapon training provided to penitentiary guards, or the norms and procedures for using weapons. However, the MoJ has stated that guards are not allowed to enter prisons with weapons (they can only guard the perimeter while armed) and guards are prohibited from using arms against women and minors. According to the Penitentiary Department, since 1996 there have been no recorded cases of Penitentiary Department guards shooting at inmates. All weapon uses have involved warning shots in the air. Further, no cases of illegal weapon use by penitentiary guards have been recorded.

6.2.9 Ministry of Foreign Affairs and European Integration

The Moldovan MFA plays a co-ordinating role in Moldova's SALW control regime by ensuring that arms transfer applications do not violate Moldova's international non-proliferation commitments, including full or partial embargoes against the countries listed in the resolutions of the UN Security Council and the recommendations of the UN General Assembly, as well as the decisions of the OSCE. The MFA also plays a key role in verifying, through Moldova's embassies and foreign embassies in Moldova, the authenticity of end-user certificates and international import certificates submitted by applicants. The MFA's capacity to fulfil these responsibilities is, however, hindered by a small number of foreign embassies. This entails that in many instances the MFA must look to third party states for assistance in verifying end-user certificates. The MFA also plays a role in informing relevant SALW control agencies of their requirements according to Moldova's international obligations. Although the officially designated Moldovan NFP is within the DoPO, a MFA representative also acts as a *de-facto* focal point on SALW issues.

6.2.10 Prosecutors and Judiciary

The Prosecution Service and judiciary together comprise a vital part of Moldova's SALW control system. Without these two institutions, Moldova's regulatory framework remains unenforceable. The President appoints judges recommended by the Higher Magistrates' Council, while Parliament directly appoints the Prosecutor-General. The present process of legal reforms engaged in by Moldova 'generally conform to West European standards and are respected nationally'.¹³⁹

6.2.10.1 General Prosecutor¹⁴⁰

The main role of the Prosecutor's Office is the prosecution of criminal matters in Moldova. Although investigation of crimes involving the use of weapons fall within the MIA's competence, the responsibilities of the Prosecutor's Office also includes investigating economic crimes, robbery, assassination and other crimes committed with weapons (including illegal weapon ownership and trafficking in weapons).

There exists a process of co-operation between the Border Guard Service, the MIA, the SIS and the Prosecutor's Office. These departments are obliged to render help when necessary during the investigation of crimes in Moldova. The Prosecutor's Office can also co-operate with the law enforcement agencies of Romania and Ukraine (the Border Guard Service, Legal institutions and Prosecutor Office) on the basis of bi-lateral agreements. There has apparently been good co-operation between the Moldovan and Ukrainian prosecutors in investigating cross-border organised criminal activity in recent years. This co-operation has had some success, most notably leading to the imprisonment of several members of the 'Southern Grouping' organised criminal network.

¹³⁹ *Moldova: Country Profile 2005*, The Economist Intelligence Unit.

¹⁴⁰ Mr Corneliu Bratunov, Prosecutor, Exceptional Criminal Cases Department, General Prosecutor Office.



Representatives from the Prosecutor's Office feel that their work, especially in maintaining control over Transdnestrian territory, is inhibited by the lack of a legal settlement in Transdnestria. Investigations of crimes committed in Moldova by Transdnestrian residents (or vice versa) can at present only be pursued through personal contacts, rather than functioning legal mechanisms.

6.2.10.2 The Office of the Military Prosecutor¹⁴¹

The Office of the Military Prosecutor, with 29 members of staff, is responsible for upholding MoD laws and prosecutes breaches of these laws. Its remit is to investigate crimes and allegations within the armed forces, the border guards, the Intelligence Services, the 'State Guard Service', and the Presidential Guard. The Military Prosecutor investigates allegations of corruption, harassment, theft, and even suicide. There are roughly 100 crimes reported to the Prosecutor every year. Once a year the Office of the Military Prosecutor reports to the General Prosecutor, the Ministry of Interior, the President and the Parliamentary Committee on National Security, Defence and Public Order on all crimes that it has investigated.

6.2.10.3 The judicial process¹⁴²

The Moldovan Penal Code determines the penalties for crimes involving weapons. Prosecutors are obliged to charge suspects according to the penal code. For example, illegal arms possession carries a mandatory two-year prison sentence. If committed with a weapon, crimes are categorised as aggravated and hence carry an increased penalty. However, if a violation of the law does not involve a threat to society, then a lesser sentence will typically be handed down. For example, illegal ownership of an antiquated or non-functioning weapon might not be punished if it was thought that that weapon does not represent a threat to society. This aspect of the law provides a loophole through which it is possible for those who have committed a weapon crime to avoid prosecution. Further, interviewees have highlighted the fact that owners of unregistered weapons, or those that use their weapons in an inappropriate way, are often not charged with offences by the local police. This was said to occur primarily in smaller communities.

Although the Survey team was told that the majority of gun crime in Moldova is investigated, no specific information was provided on the conviction rate. While no information was provided on the number of individuals arrested by the police, taken to court and punished for weapon crimes, the number of persons serving jail sentences for such crimes has been falling since 2000:

	2000	2001	2002	2003	2004
Reported Crimes	241	156	145	115	87
Number Imprisoned	58	46	59	39	29

Table 29: Number of persons imprisoned for committing firearm-related crimes
(Source: Ministry of Justice)

6.2.11 Inter-agency co-operation and the National Focal Points

While co-operation between MIA, MoD, SIS, BGT and Customs is stipulated in Moldovan legislation, the research for the present study uncovered a number of weaknesses in inter-agency co-operation. The key weakness is low levels of co-ordination between the various focal points on SALW issues in the relevant ministries.

As previously noted, a representative of the DoPO operates as Moldova's National Focal Point (NFP) on SALW and has the principal role of facilitating international co-operation in this field through attendance at Steering Group meetings of the Stability Pact's Regional Implementation Plan (RIP) on Combating the Proliferation of SALW.¹⁴³

¹⁴¹ Lt Col Igor Dorfman, Prosecutor, Office of Military Prosecutor.

¹⁴² Mr Corneliu Bratunov, Prosecutor, Exceptional Criminal Cases Department, General Prosecutor Office.

¹⁴³ The roles and responsibilities of the NFPs are laid out in SEESAC's Regional Micro-Disarmament Standards (RMDS/G). The RMDS/G can be found on the SEESAC website http://www.seesac.org/resources/current_eng.htm, accessed 12 October 2005.

However, as of late 2005 this role seems to have been taken up by an MFA representative. This lack of continuity proves a problem for co-ordination purposes. The NFP receives information on regional SALW disarmament and control initiatives and SALW control methodology from SEESAC and the NFP is then tasked with sharing this information and knowledge with relevant Moldovan ministries and departments. All members of the Stability Pact for South Eastern Europe, and hence participants in the RIP, are obliged to appoint a NFP. SEESAC have also advised the Stability Pact members to nominate persons within each of the key ministries in order to facilitate domestic SALW control initiatives. A series of contact points on SALW issues have consequently been identified within the MIA (who is also the NFP), MoD and MFA.

Co-operation on the part of the Moldovan NFP in the RIP has improved substantially in 2005 and included participation of the NFP at the July 2005 UN PoA Biennial Meeting of States. The Survey team received excellent co-operation from the NFP in facilitating the research for this report, although its ability to source information from other ministries, particularly the MoD was clearly limited. However, while a good level of co-operation from two of the three ministerial contact persons for SALW is an encouraging reflection of levels of inter-agency cooperation, there is certainly more scope for co-operation and experience sharing between the three contact persons. This should ideally occur under the auspices of a single overarching national SALW control commission, which brings all relevant agencies together to agree and direct a national SALW control strategy.

6.2.12 Co-operation with the Transdniestrian administration

While no official agreements exist between the Moldovan Government and the Transdniestrian authorities, informal working contacts are maintained between most of the Ministries engaged in SALW control. For example, Transdniestrian authorities have replied to requests for information from INTERPOL in the past, while the Moldovan General Prosecutors office has collaborated with Transdniestrian officials while investigating serious crimes. Moldova police and the Transdniestrian militia also seem to have developed a working relationship in the Security Zone, although this working relationship is strained during sensitive periods.

6.3 Non-governmental organisations

Engagement by NGOs in SALW and security issues remains low in the territory controlled by the Moldovan Government. Where NGOs are involved in these issues there tends to be a preoccupation with the situation on the left-bank of the Dniestr, both in terms of the withdrawal/destruction of the remaining OGRF equipment and the disbanding of the Transdniestrian armed units. For example, in 2001 the Institute of Public Policy (IPP) published a detailed analysis of the military aspects of the unresolved conflict in Transdnistria, which includes an overview of the SALW situation in the breakaway region. This was supplemented by an analysis from the same institute of the problems of unification of the Moldovan and Transdnistrian military and possible programmes to deal with the resultant surpluses.¹⁴⁴

IPP is the Moldovan NGO most engaged with SALW issues. In addition to the research for this report, IPP has contributed to a number of comparative studies on SALW, including: the Moldovan chapters of the 2004 and 2005 'South Eastern Europe SALW Monitor'; 'Monitoring States' Implementation of the UN SALW Programme of Action: The Biennial Progress Report'; and 'Private Security Companies (PSC) and providers – impact on the SALW situation within South Eastern Europe'.

The Centre for Non-proliferation of the Republic of Moldova appears to be another NGO involved in security-related policy. In 2004, the Centre for Non-proliferation of the Republic of Moldova, with assistance from the U.S. Department of Commerce, created a Moldovan version of the U.S. Licensing Officer Instructional Simulation (LOIS) programme. This programme is now used by Moldovan officials involved in licensing strategic goods (dual-use goods and technologies, as well as arms and munitions). In the same year, the centre also organised several training seminars for Moldovan customs and border officials with the U.S. Department of State. The Survey team was not, however, able to ascertain the exact status of this organisation, as it seems to have some links to the MoE.

¹⁴⁴ Pinte, I. 'The Military Aspect of the Conflict Settlement in the Eastern Part of the Republic of Moldova'; Graur, O. 'The Problems of the Unification of the Armed Forces of the Republic of Moldova and Transdnistria'. Both essays are available in Dr. Barbarosie and Nantoi, O (eds.), *Aspects of the Transdnistrian Conflict*, Chişinău, 2004.



Because of problems with poaching in Moldovan Government-controlled territory, the Hunting and Fishing Association of Moldova (HFAM) has become involved in awareness-raising activities about the dangers of using illegal weapons while hunting. The HFAM has also supported previous government arms amnesties through awareness-raising, both amongst its members, on television and in the printed media. HFAM is a government enterprise and receives part of its funding from the central government budget. This apart, there have been no other NGO-led awareness-raising activities on SALW issues in Moldovan Government-controlled territory. A selection of NGO personnel from both sides of the Dniestr river have, however, received training on SALW awareness-raising techniques at an event in Chişinău (October 2004) convened by SEESAC with the support of Saferworld.¹⁴⁵

The lack of civil society interest in SALW issues is a result of both the fact that arms proliferation is not considered to be a great problem for society (see Section 5.1.1) and that there is at present limited funding for SALW control work by NGOs. Civil society groups in Moldovan Government-controlled territory remain heavily dependent upon external political and financial support for their continued activity. As there is presently limited international funding for security and SALW control work by Moldovan NGOs, civil society has tended not to work on these issues.

6.4 Mass media

Media coverage of security and SALW issues in the territory controlled by the Moldovan Government is limited. This is in part due to the general lack of freedom experienced by the media. It is also a result of the information culture prevalent, whereby it is necessary to have strong contacts within state agencies in order to receive information from them.¹⁴⁶ If those contacts do not exist, then it is likely that requests for information will be denied. The 2002 'Law on the Freedom of Information' has not yet managed to break this information culture (see Section 6.7).

Analysis of SALW reporting by the Moldovan media was conducted by monitoring security and SALW-related articles from five national newspapers and journals in the period January 2003 to October 2005: *Moldova Suverana*, *Nezavisimaia Moldova*, *Jurnal de Chişinău*, *Timpul* and *Oastea Moldovei*. A survey of stories in the most prominent Moldovan news agency – BASA-press – was conducted for the same period. Of the five editions, only *Nezavisimaia Moldova* is printed in Russian, while the remainder are printed in Romanian. Two of the newspapers are independent, two are state affiliated and one is owned by the Ministry of Defence and covers military/National Army affairs:

PUBLICATION	EDITIONS	AFFILIATION	CIRCULATION	LANGUAGE
Moldova Suverana	Daily	Government	National	Romanian
Nezavisimaia Moldova	Daily	Government	National	Russian
Jurnal de Chişinău	Weekly	Independent	National	Romanian
Timpul	Weekly	Independent	National	Romanian
Oastea Moldovei	Weekly	MoD	National	Romanian

Table 30: Monitored news publications

The articles were scanned for reference to a range of topics and then analysed according to a number of categories – type of incident/crime, type of weapon, victim/perpetrator, legal/illegal, timing and location. During the monitoring period 313 articles relating to security and SALW issues were found. Of these articles, the largest proportion – 47% – referred to the Transdnestr conflict, while the military represents the second most frequently covered topic – 31% of stories:

¹⁴⁵ 'SALW Awareness Support Pack Outreach Workshops Skopje, Tirana and Chişinău', SEESAC Activity Report 44, 08 November 2004, <http://www.seesac.org/reports/actreports.htm>, accessed 14 October 2005.

¹⁴⁶ Victor Nichitus, journalist, Radio Nova; *Nations in Transit 2005: Moldova*, Freedom House, 2005; see also NATO mission report, 'Visit to Moldova by the Sub-Committee on Democratic Governance (Civil Dimension of Security)', 01 - 04 March 2004', <http://www.nato-pa.int/Default.asp?SHORTCUT=484>, accessed 05 December 2005.

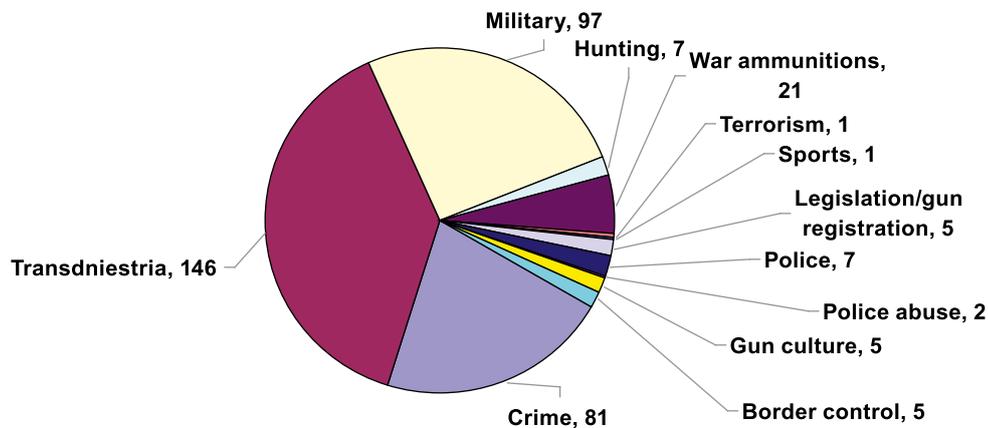


Figure 47: Articles referring to SALW and security topics

6.4.1 Reporting on the Transdnistrian Conflict

Similarly to the work engaged in by civil society in Moldovan Government-controlled territory, coverage of security and SALW issues by the Moldovan media tends to concentrate on the situation on the left bank of the river Dniestr and the conflict resolution process. The percentage of stories referring to Transdnistria rises dramatically if the Army magazine *Oastea Moldovei* is excluded from the analysis, as only 5% of articles in it refer to Transdnistria, with the vast majority (77%) referring to National Army and military issues.

The articles referring to the Transdnistrian conflict are almost exclusively comprised of stories covering the withdrawal of Russian ammunition and SALW from the region, with only a small number of articles comprising commentaries, investigations or interviews of the security and SALW situation in Transdnistria and the Security Zone. The analysis that does exist tends to overstate the level of tension existing in the Security Zone and between the Moldovan Government and the Transdnistrian authorities. Coverage of the Transdnistrian conflict is also far higher in the two government papers than in the independent publications – which only included 18 articles on Transdnistria between them (compared to 36 in *Nezavisimaia Moldova* and 39 in *Moldova Suverana*). Although the higher frequency of stories on Transdnistria in the government papers probably partially reflects their more frequent publication (the government papers are released daily, while the independent papers are released weekly), it probably also reflects the tendency amongst the Moldovan Government, academia and civil society to ensure that the Transdnistrian conflict remains a ‘live’ issue, both inside and outside of the country.

6.4.2 Reporting on gun crime

The third most frequently reported SALW-related topic is criminal incidents – 26%. If the Army magazine *Oastea Moldovei* is excluded from the analysis, then criminal incidents represent the second most reported SALW and security-related topic (no articles in *Oastea Moldovei* covered criminal acts). Journalism on gun crime is often sensationalist and superficial, concentrating on the dramatic impact of a story, rather than analysing the reported incidents, causes and impacts. This style of reporting is probably inhibiting constructive debate about the degree, causes and impact of SALW-related crime in Moldova.

6.4.3 Reporting on SALW control

Only five articles over the sampling period refer to SALW control legislation or publicised SALW collection campaigns and amnesties. There are also a small number of articles covering national army reforms, police reforms, speeches about the police or military activity. Information on SALW control initiatives by the military and police is mostly published in government-affiliated publications and rarely appears in the independent media. There is certainly potential for SALW control issues and events, such as the UNDP financed destruction of MIA confiscated weapons in August 2005, to be reported on more regularly, with additional attention paid to the rationale and successes of those measures.



Lastly, media coverage of criminal activities involving gun crime does not tend to report or analyse actions taken by the police in investigating those crimes, or the court process, including any prosecutions. Frustration at this lack of comprehensive and balanced reporting has been expressed by officials from within the MoJ, who think that this helps to create an unreal picture of the SALW situation in Moldova and government actions to tackle SALW related crime.¹⁴⁷

6.5 SALW collections

6.5.1 Past SALW collections

In response to the high number of crimes involving weapons in the period 1995 – 2000, the Moldovan Government organised two six-month amnesties in 2000 and 2002.¹⁴⁸ Furthermore, since 2002, police have accepted – without prosecution – voluntarily surrendered weapons despite the lack of an official amnesty. The first two amnesties were conducted by the MIA and accompanied by limited public awareness-raising campaigns. During these amnesty periods, individuals could hand in their weapons without prosecution provided that the weapons were not connected to any recorded crimes. The amnesty only applied to types of weapons that can be legally possessed by individuals and legal entities and did not apply to automatic weapons. Surrendered weapons could then be registered with their ‘owner’ after undergoing the necessary quality inspections. During the first six-month amnesty period, between 31 August 2000 and 29 February 2001, the MIA registered a total of 1,178 individual arms across the Moldovan Government-controlled territory:



Confiscated homemade weapon and RGD-5 Hand Grenade
(Source: MIA)

AREA	SURRENDERED WITH AMMUNITION	SMALL CALIBRE WEAPONS	GAS WEAPONS	COMBINED ARMS	ARMS EXAMINED	TOTAL LICENSED
Central DoPO	86	15	10	7	114	118
Chişinău	-	184	131	-	-	315
Edineţ	-	12	2	-	59	14
Ungheni	-	63	4	-	26	67
Soroca	-	43	2	-	23	45
Orhei	-	45	4	-	18	49
Chişinău	-	152	14	-	16	166
Cahul	-	66	8	-	4	74
Bender/Teghina	-	55	3	-	5	58
Taraclia	-	26	2	-	7	28
Bălţi	-	111	20	-	49	131
Lapusna	-	67	-	-	21	67
Gagauz Yeri	-	43	3	-	3	46
TOTAL	86	882	203	7	345	1,178

Table 31: Weapons surrendered or registered during 2001 amnesty
(Source: Ministry of Internal Affairs)

¹⁴⁷ Mr. Corneliu Bratunov, Prosecutor, Exceptional Criminal Cases Department, General Prosecutor Office.

¹⁴⁸ The first amnesty period followed Government Decision No. 855 (21 August 2000) ‘On supplementary measures of evidence and control of weapons owned by citizens’; the second amnesty period followed Government Decision No. 1635 (18 December 2002) ‘On supplementary measures of evidence and control of the weapons illegally owned by citizens’.

MIA interviewees stated that some difficulty was initially encountered in collecting weapons during the six-month period since many Moldovans viewed the amnesty with distrust. Government Decision No. 210 (20 June 2001) extended the amnesty period by a further four months until 30 June 2001, during which time a total of 1,514 weapons were surrendered. During the second amnesty period in 2002 (between 24 December 2002 and 24 June 2003) 1,223 illegally held weapons were voluntarily surrendered to the police. Since the end of the second amnesty, a further 382 weapons have been voluntarily surrendered to the police.

One question that has yet to be addressed in the above weapons collection programmes is that of military issue weapons distributed to the public during the conflict period. The most prominent initiative to collect military SALW and disarm former combatants occurred in 1992-1994. Opinions vary as to how many former military weapons remain in circulation. The Head of the Directorate for Technical Criminology estimated that about 60 to 70% of those weapons that got into public hands following the Transnistrian conflict have either been handed in or licensed. If correct, this would entail that between 30-40% of these weapons are still in circulation.

6.5.2 Capacity to conduct future SALW collections

Support for further amnesties and collection campaigns have been expressed by a number of interviewees and the MIA has already presented a draft Government Decision for a further six-month amnesty to the Government for approval. The draft covers the whole of Moldova including those areas controlled by the authorities in Tiraspol. However, results from previous campaigns, as well as feedback from the HHS and FGDs demonstrate that future collection campaigns could be undermined by a number of factors including: low levels of trust in the police; low incentives for SALW registration; and the low levels of knowledge amongst the general population that an amnesty is in process. Indeed, one Police Commissar expects that a new amnesty period would register no more than 100 weapons.¹⁴⁹ In order for future amnesty periods to be successful, it may be necessary for the MIA to engage in an active campaign to enhance relations with the public, as well as conducting a substantial awareness-raising campaign before and during the amnesty, which targets key social groups.

6.6 SALW destruction

There are two different weapons destruction processes in place in Moldovan Government-controlled territory. The first relates to the weapons seized, recovered and collected by the police and MIA, while the second relates to surplus SALW and ammunition held by the Moldovan armed forces and security structures.

6.6.1 MIA destructions

Weapons recovered by the MIA and the police commissariats are transferred to the Republic Commission for Evaluation, Price Estimation and Scrapping of Personal Weapons for evaluation. The Commission decides which weapons can be sold and which should be destroyed. For example, in 2004, the Commission allocated 1,513 of the weapons seized or collected from the general public for destruction during 2004 (while 241 were designated for re-sale through the state gun shops). Those SALW earmarked for destruction are then melted at the 'Tracom' plant in Chişinău. This method of destruction is preferred by the MIA to cutting the SALW, as components can be re-used.



Confiscated weapons awaiting destruction
(Source: MIA)

As with other aspects of SSR, destruction campaigns are limited by financial constraints. On 7 December 2000, Moldova destroyed 1,610 weapons with its own resources, while the 2002 weapon amnesty resulted in the destruction of only 900 illicit weapons. Destructions of weapons seized by the MIA have been aided by a joint MIA and UNDP/SEESAC SALW Destruction Programme in 2005, funded by the Swiss Federal Department of Foreign Affairs and the Swiss Federal Department of Defence with a budget of US\$ 8000-9000. SEESAC provided technical assistance for the development and implementation of the project. The first destruction of 1,687 weapons and 1,810 weapon

¹⁴⁹ Mihai Dereneu, Ungheni Region Police Commissar and Sergiu Postolache, Police Officer.



components took place on the 29 July 2005 at the industrial facility S.A. 'Aralit' in Chişinău. There are plans to destroy more weapons, especially as the storage of the SALW earmarked for destruction represents a financial burden for the MIA.

6.6.2 Moldovan military and security services destructions

Due to secrecy surrounding SALW issues in Moldova, it is unclear what national policy Moldova has for disposing of surplus stocks. According to Moldova's submission to the UN PoA 2005 Biennial Meeting of States, Moldova is facing difficulties destroying SALW surpluses due to 'the lack of specialists and financial resources'. No information was made available to the Survey team on previous destructions by the National Army and other security services, or regarding SALW and ammunition that has been earmarked for destruction. Although 'frozen conflicts' commonly produce a sense of reluctance regarding military holdings and destruction, should the Moldovan security services be more open regarding their surplus stocks and destruction needs, international assistance may be more readily available. The OSCE's 'Confidence and Security Building Measures' (CSBM) provide an opportunity for the Moldovan military and security services to identify SALW and ammunition surpluses in partnership with their Transnistrian counterparts and attract international funding for the destruction of those surpluses. See Annex A for more information on the CSBMs.

According to available information, the Moldovan military and security services have received minimal international assistance for SALW and ammunition destruction programmes. NAMSA, the NATO Maintenance and Supply Agency, has made material contributions to Moldova's problems with arms surplus, signing a Memorandum of Understanding for the destruction of liquid propellant oxidizer, anti-personnel land mines and surplus munitions in July 2001. The UK also donated US\$ 15,000 for ammunition destruction in 2004. It is known that the MoD has also approached the OSCE to help fund destruction of outdated ammunition.¹⁵⁰ While there have been no reports of current weapon destruction programmes, according to the OSCE Mission to Moldova the National Army maintains a limited SALW destruction capacity.

6.7 Transparency and accountability

Overall transparency regarding Moldova's SALW control systems and SALW transfers is limited. Moldovan laws, regulations and procedures related to arms production and trade are published in the 'Official Monitor' of the Republic of Moldova. However, information concerning weapons collection, destruction and the illegal trade, possession and manufacturing of weapons is not made routinely accessible to private citizens and parliamentarians. This means that there is an apparent lack of public or parliamentary oversight of security issues in general and SALW control issues in particular. Indeed the Survey team had great difficulty in eliciting information on these themes from some of the relevant government ministries and departments. While limited transparency surrounding security-sector issues is a common characteristic of 'frozen conflicts', taking second place to the perceived national interest of maintained secrecy on security issues, it undermines reform and modernisation of the security sector and informed debate about the role of the military and police.

The basis for transparency and accountability of the security sector is provided for in the 2002 Concept of Military Reform, which tasks Parliament with ensuring democratic control over the Moldovan military. The implementation of the provisions contained in the Concept has, however, been slow. As the Concept of Military Reform includes a provision for Moldova to maintain dialogue with other countries on democratic command and control of the military, there is the potential for Moldova to gain the experience of the democratic control mechanisms of other European nations, including countries that have gone through similar transitions. It is important to note that similar programmes of reform have not as yet been drafted to cover the activities of the MIA and police.

¹⁵⁰ NATO Update, week of 25 June-01 July 2001, <http://www.nato.int/docu/update/2001/0625/e0628a.htm>, accessed 08 November 2005; OSCE Mission to Moldova.

6.7.1 Parliamentary oversight

Parliamentary scrutiny of security matters is a vital guarantor of democratic control and occurs through a number of channels:

- The Parliamentary Committee on National Security, Defence and Public Order and its sub-committee, which reviews the work of the SIS;
- Any parliamentarian can submit a written query to any state agency or member of the Executive; and
- Every Thursday there is a parliamentary question hour, in which oral questions can be put to members of the Executive.

However, there are indications that these mechanisms do not function effectively and do not provide full parliamentary scrutiny of the security sector. According to opposition Members of Parliament, while written queries are frequently submitted by opposition members to the state agencies and the Executive, the majority of replies are formal and do not provide adequate responses to the questions submitted.¹⁵¹

The Parliamentary Committee on National Security, Defence and Public Order, which has ten members, is presided over by a member of the ruling Communist Party, while the sub-Committee on the Secret Intelligence Service is presided over by a member of an opposition party. These Committees also exhibit a number of weaknesses. While the Committee has organised a number of hearings, it has no real input into decision-making or policy on issues related to SALW control and security, as its recommendations do not have to be considered by the Executive. It has also been suggested that the Committee's members do not possess the required level of competence on security issues necessary to review the operations of the security services. There have also been suggestions by opposition members of Parliament that oversight and access to information is asymmetrical according to political party membership. One Committee member stated that while all opposition members have access to the draft laws that are presented to Parliament, it is hard to obtain information from the state agencies if you are not a member of the majority party. Further, while the state security agencies always provide representation at Committee meetings when requested, it has been suggested by the same source that this is because the Presidency of the Committee is currently held by a member of the ruling Communist party.

There is certainly more room for the development of measures to improve legislative accountability and transparency in the conduct of security sector affairs, including SALW issues. This could include specific legislation introducing procedures for genuine access to information on the part of the legislature and a genuine ability to hold accountable the Executive on security issues. Perhaps more importantly though, parliamentarians, in the same fashion as civil society actors, generally demonstrate a lack of interest in domestic SALW and security issues and are only willing to take up oversight of politically-charged issues related to the demilitarisation of Transdnistria and the removal of the OGRF.¹⁵² This lack of interest in SALW and wider security issues reflects the perception of the majority of Moldovans that security issues are less important than economic, health and education issues (see Section 5.1).

6.7.2 Public accountability and scrutiny

Crucially, the 'right to know' regarding security and SALW issues is not at present extended to the media, NGOs, interest groups and other civil society groups, in spite of legislation guaranteeing access to such information. Article 34 of the Moldovan Constitution enshrines every citizen's legal right to free access to information. This right has been reinforced by the establishment of legal mechanisms to access information by the May 2000 'Law on the Freedom of Information'. According to the 'Law on the Freedom of Information', the Government should respond to any written requests for information within 15 days, with the possibility of an additional five-day extension if the requested information is difficult to collect. The person requesting information does not have to provide his motivations for the information requests (Article 10). If the Government feels that the requested information is sensitive then it has to provide the basis for its decision not to release the information. The

¹⁵¹ Igor Clipii, Parliamentary Deputy and Member of the Parliamentarian Committee on National Security, Defence and Public Order, Parliament of the Republic of Moldova; Anatol Taranu, Parliamentary Deputy, Parliament of the Republic of Moldova.

¹⁵² Viorel Cibotaru, Programmed Director, IPP.



Law also requires each institution to nominate and train information liaisons to respond to public requests for information and develop internal regulations on the rights and responsibilities to provide information in response to public requests (Article 11).

It has been suggested that this system is overly bureaucratic and discourages journalists from pursuing stories formally, and further that it is not properly implemented by the agencies.¹⁵³ The fact that state agencies do not implement the 'Law on Freedom of Information' consistently, was highlighted by a 2004 Transparency Moldova research project, during which 75 applications for information were made to agencies including the MoD, BGS, Ministry of Economy and Commerce, Customs Service, Information and Security Service, Licence Chamber and the MIA (all of which have a SALW control role).¹⁵⁴ State agencies often provided responses that do not fully correspond to the Law on Freedom of Information. Reasons such as 'national secrecy' or 'national sensitivity' were often cited when requests for information are denied without appropriate justification.

Present legislation also continues to restrict the release of some information. For example, the 'Law on State Secrecy' continues to designate several topics, including military stockpiles, as 'nationally sensitive', and consequently prohibit the release of information on them.¹⁵⁵

6.7.3 Annual arms transfer reporting

Although the Moldovan Government apparently produces an annual report on the export, import and transit of arms and dual-use goods, it is currently made available only to specific government departments and the SIS. No information was provided to the Survey team on the level of detail contained in this report, and there are no known plans to make the document public in the future.

6.7.4 Levels of Moldovan ministerial transparency

Probably the best single test for levels of transparency in Moldova on SALW issues, however, was the writing of this report. While the co-operation obtained by the researchers in their dealings with government officials was in many cases excellent, the Survey team found that levels of transparency varied widely across the different government departments approached. The following is a summary of levels of transparency across key ministries and agencies, based on the Survey team's experience during the information collection phase of the research:

- **BGS:** All information requests met;
- **Customs Service:** All information requests met;
- **MFA:** All information requests met, including submissions to international organisations and details of Moldova's international treaty obligations. Furthermore, the MFA was instrumental in helping source information from other ministries;
- **MIA:** Much of the information requested was provided, particularly information regarding crime statistics and trends as well as details of internal procedures and modes of operation. Information regarded as 'sensitive' and therefore withheld included that on weapons holdings and storage conditions. Such information should, however, be shared as part of Moldova's commitment to the UN PoA;
- **MoD:** The Military Prosecutor provided information to the Survey team regarding internal discipline procedures and convictions. With this exception, all other information requested by the Survey team was deemed to be 'confidential', including information that NATO member states commonly share (such as past SALW destruction; destruction capacity; etc.). Most importantly the MoD did not provide information on active SALW holdings or surpluses;

¹⁵³ Victor Nichitus, journalist, Radio Nova – 'The system is very bureaucratic and I never do this [use the 'Law on the Freedom of Information] because within 15 days a story is dead.'; Lilia Carasciuc, Executive Director, Transparency International Moldova.

¹⁵⁴ Cozonac, C. *et al.* *Monitoring the Access to Information in the Republic of Moldova*, Transparency International Moldova, Chişinău, 2004. Available in English at http://www.transparency.md/Docs/2004/acces_to_information_eng.pdf, accessed 12 November 2005.

¹⁵⁵ Comments at 'Inter-ministerial roundtable to review initial findings of the national SALW Survey of Moldova', 15 December 2005, Chişinău.

- **MoE:** Much of the information requested by the Survey team was provided, including details on arms export control systems and past transfers. Certain information was not complete. However, this may be due to problems in information collection methodology rather than a lack of transparency;
- **MoH:** No information was received from the MoH and no responses to questions posed were received, despite Moldova declaring that it has been recording weapon casualties according to the most contemporary version of the WHO's International Classification of Diseases (ICD-10) since 1995; and
- **MoJ:** Only very limited information was received from the MoJ relating to civilian prosecutions. All other requests for information remain unanswered.

6.8 International co-operation and information exchange

Moldova has made important progress in co-operating with European and international arms control mechanisms and has become a signatory of a number of information exchange agreements since gaining independence in 1991. This development has been especially impressive given that the SSRM was not party to any international agreements and did not have a culture of co-operation and information exchange on security sector, SALW or arms control issues. Moldova has provided information on imports and exports of arms to the UN Register of Conventional Arms since 1994 and signed the UN Programme of Action (UN PoA) in July 2001, providing letter reports to the UNDDA detailing its progress towards implementing the UN PoA in 2003 and 2005. Moldova has also signed both the OSCE Document on SALW (November 2000) and the OSCE Document on Stockpiles of Conventional Ammunition (December 2003) and has provided information to the OSCE on all SALW transfers within the OSCE area, as required by the OSCE Document on SALW.

As well as the international initiatives mentioned above, Moldova also participates in a range of international and regional co-operation and information exchange initiatives to combat cross-border illicit trafficking and organised crime in SEE. These initiatives include INTERPOL, the South Eastern Europe Clearinghouse for Small Arms and Light Weapons (SEESAC) of the Stability Pact's Regional Implementation Plan (RIP), the Black Sea Economic Co-operation Organisation (BSEC), the Central European Initiative (CEI) and the Southeast Europe Co-operative Initiative (SECI), Regional Centre for Combating Trans-border Crime. In addition, Moldova has signed the 'Co-operation for Combating Crime' with Romania and Ukraine.

The SECI Regional Centre for Combating Trans-border Crime in Bucharest is comprised of police and border officials seconded from twelve regional countries, who participate in a series of 'Task Forces' directed at combating specific trans-border crimes. Moldova has participated in exchanging information on arms trafficking with fellow SECI members through the Centre's SALW Task Force during two operational periods: 'Operation Ploughshares', which ran between November 2002 and May 2003 and 2005's 'Operation Safe Place'.¹⁵⁶

As well as seconding law enforcement liaison officers to co-ordinate and exchange information with their counterparts at the SECI Regional Centre, Moldova has introduced several mechanisms to improve co-ordinated responses to cross-border crime in SEE.¹⁵⁷ These include:

- Nominating specialists to negotiate agreements for the prevention and combating of cross-border crime;
- Creating a Regional Information Link Office (RILO), designed to maintain permanent operational contacts with the SECI Centre; and
- Agreeing the deployment by the Customs Service of a liaison officer to the SECI Regional Centre in Bucharest.

¹⁵⁶ During 'Operation Ploughshares', Moldovan law enforcement officers made available to the SECI information about the following SALW seizures: 64 rifles and carbines were recovered in 63 seizures, including two Russian-made Bosnian 1891 7.62 mm carbines, two Russian-made AK47 (5.45 mm) assault rifles and 60 hunting rifles (in 60 seizure incidents). Two of the 60 hunting rifles were made in Turkey while the remainder were of Russian origin. One Russian-made CPTV 14.5 mm heavy machine-gun was also recovered as well as 53 VOG-25 40 mm handcrafted grenade launchers.

¹⁵⁷ 'Collaboration between the Republic of Moldova and the countries of Southeastern Europe in combating cross-border criminality', D. Purice, Liaison Officer of the Republic of Moldova to the SECI Regional Center for Preventing and Combating Cross-border Crime, presentation 2003.



Moldova is also participating in the Virtual Law Enforcement Centre (VLEC) set-up by GUAM on the basis of the SECI-Centre model. The main goal of this virtual centre (the centre is comprised of NFPs in the GUAM member countries exchanging information in 'real-time', rather than being based in a physical location) is to facilitate law enforcement cooperation in a variety of areas, from terrorism to drugs smuggling and other serious crimes. Although at present VLEC has only established a Drug Trafficking Task Force, which has engaged in an interdiction operation against drug-traffickers jointly with the SECI Centre, the project is at a very early stage and could include information sharing on SALW trafficking in the future.¹⁵⁸

The legal framework for combating cross-border crime in the region is the tripartite agreement, 'Co-operation for Combating Crime', which was signed by Moldova, Romania and Ukraine in Kiev on 06 July 1999. This agreement commits the three countries to collaborate and provide mutual support in the prevention and uncovering of criminal activities and identification of the persons committing them, as well as in combating cross-border criminal phenomena such as the illegal trade in weapons, munitions, explosives, toxic substances and dual-use materials.

The BGS also has a good level of contact with its counterparts in Ukrainian and have signed a collaboration protocol, according to which special representatives from the Moldovan and Ukrainian border guards meet every day and have the right to decide on any conflicts at the border.¹⁵⁹ Further, the commander of each border guard sector meets with his Ukrainian counterpart either once a week or once a month while regional base commanders meet once every three months. The Moldovan and Ukrainian border guards co-operate to the extent that they exchange mobile phone numbers and contact each other regularly.

Finally, Moldova has also developed an important relationship with the Russian Federation and the Commonwealth of Independent States (CIS). In November 2001 Moldova signed a treaty of 'friendship and co-operation' with Russia,¹⁶⁰ which amongst other things provides for regular dialogue on security issues, co-operation with the CIS, co-ordination of customs policy and allocates the Russian Federation the role of peace guarantor in the conflict settlement process.

¹⁵⁸ Correspondence with Galentin Georgiev, Euro-Atlantic Advisory Team, GUAM – VLEC Adviser.

¹⁵⁹ Lt Col Vitalie Fortuna, Head of Training and Human Resources Department, Border Guards Service.

¹⁶⁰ 'The Russian-Moldovan Treaty on Friendship and Co-operation' (November 2001, ratified October 2002).

7 Gagauz Yeri autonomous region

In most respects, it appears that the situation regarding SALW in Gagauz Yeri is very similar to that in the rest of the country in that renewed confrontation between the autonomous region and the Moldovan Government in Chişinău is unlikely and there is no great need for distinct SALW control interventions. There are however, two exceptions. Firstly, the ratio of unregistered weapons to registered weapons is higher than in the rest of Moldovan Government-controlled territory, due to a combination of continued mistrust in the police and the perception that weapons might be needed in the event of a return to conflict. Secondly, poaching appears to be a greater problem than in the rest of Moldovan Government-controlled territory.

7.1 SALW distribution

7.1.1 Legal SALW

As of October 2005, there were 1,884 weapons in Gagauz Yeri. Of these, 1,693 weapons were registered to 1,475 individuals and 191 weapons were registered to 45 legal entities.

Calculations of legal weapons in Gagauz Yeri are made difficult due to the way that Gagauzian weapons are registered. Although an autonomous entity, Gagauz Yeri does not have an independent police service, but is instead policed by three separate police commissariats: Comrat; Vulcăneşti; and Taraclia. These commissariats also police areas outside of the Gagauz Yeri autonomous entity. Since smooth bore weapons are registered with the owners' local police commissariats (and the Survey team was provided with a geographical breakdown of weapon distribution by commissariat), it is difficult to calculate the exact numbers of registered weapons in Gagauz Yeri, as the weapons registered with the three police commissariats in question include non-Gagauzian weapons. For the purposes of this Survey, the numbers of weapons registered to each of the above commissariats will be considered to be representative of the whole of Gagauz Yeri. In October 2005, the following numbers of weapons were registered in the three regions, though this may be an overestimation for the reasons stated above:

REGION	INDIVIDUALS	REGISTERED WEAPONS	LEGAL ENTITIES	REGISTERED WEAPONS
Comrat	719	809	25	112
Taraclia	494	584	12	52
Vulcăneşti	262	300	8	27
TOTAL	1,475	1,693	45	191

Table 32: SALW distribution in Gagauz Yeri

(Source: Ministry of Internal Affairs)

The type of weapons owned by Gagauzians is quite different in one important sense from those owned in the rest of Moldovan Government-controlled territory. While rifled weapons comprise 22% of registered weapons in the whole of Moldovan Government-controlled territory, they comprise only 5% in Gagauz Yeri. The popularity of hunting is demonstrated by the fact that the local Hunting and Fishing association has 600 members (40.7% of all registered weapon owners in the region), each of which has one or more hunting weapons:¹⁶¹

¹⁶¹ Gavriil Bargan, President, Comrat Region Hunters Association Council.

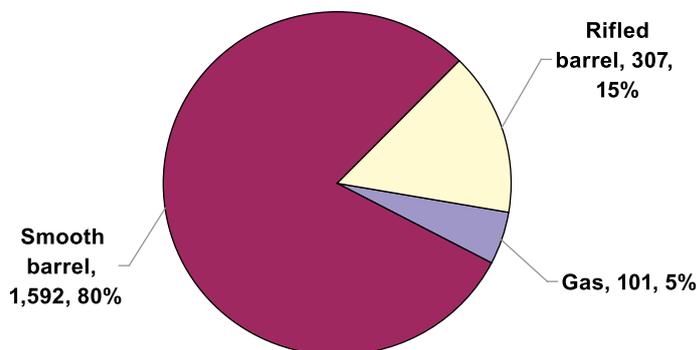
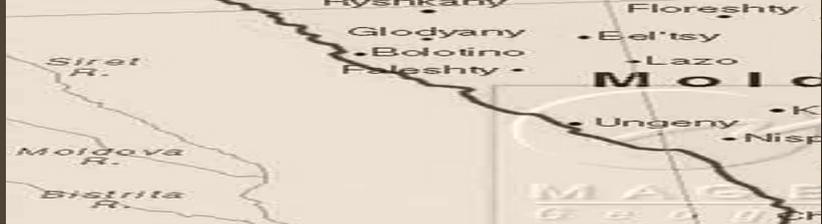


Figure 48: Type of weapon owned in Comrat, Taraclia and Vulcănești

This is due to the large number of hunters in the region and the relatively low numbers of businessmen and other individuals who might want to acquire weapons for self-defence. However, similarly to the rest of Moldovan Government-controlled territory, the majority of new weapons purchased are by businessmen, and these are mostly rifled weapons – 60% of all weapons owned by businessmen in Gagauz Yeri have rifled barrels.¹⁶² As there are no PSCs working in the autonomous region and no gun shops, the legal entities that are licensed to possess weapons must almost exclusively be companies and business with internal security divisions. No information was provided to the Survey team on the number of state-held weapons in Gagauz Yeri. As a consequence of the lack of clear or complete official or open source information, it was impossible to derive with any degree of confidence estimates of the numbers of weapons held by the armed forces or police in Gagauz Yeri.

7.1.2 Illegal SALW

The Survey team estimates that there are at least 1,800 illegally held weapons in the Gagauz Yeri autonomous region. All those interviewed consider Gagauz Yeri to have a higher number of unregistered arms per 100 inhabitants than the rest of Moldovan Government-controlled territory. Considered estimates vary from between 1,000 and 5,000 and it is believed by those interviewed that the proportion of unregistered weapons to registered weapons is also higher in Gagauzia (due in part to the comparable low levels of weapon registration). In general, those interviewed agreed that at the very least there is one unregistered weapon for every registered weapon in the entity. This entails that there are at least 1,880 illegal weapons in the region. The number could however be much higher if we take into account estimates that up to 10,000 weapons entered illegal weapon possession during the confrontation period, and only 50% of all illegal weapons have been handed in (see below). As a result there could be as many as 5,000 weapons in the region. Illicit weapon ownership varies substantially across Gagauz Yeri and key informants suggest that there are more illegally held weapons in the Southern part of Gagauzia, in and around Vulcănești, than in the northern Comrat area. Although the unregistered to registered weapons ratio in Gagauz Yeri is considered to be quite high, those interviewed claimed that there is at present no significant black market for weapons in the area that could fuel illegal weapons proliferation.

A substantial proportion of illicit weapons are thought to be hidden around the region in caches of various sizes. Although some officials suggest that accounts of concealed weapons are just rumours, the periodic discovery of such stocks supports these claims.¹⁶³ If true, the continued existence of these stocks and the failure of government amnesty campaigns to encourage their surrender can probably be explained by a lack of trust in the central authorities in Chișinău, concerns about a possible return to conflict and the thought that - 'A buried Kalashnikov is not impeding or a burden, but someday might be necessary'.¹⁶⁴ Although it is likely that some weapons are being kept in the event of renewed confrontation with the Republican authorities, the numbers included in such caches are probably quite low, as all those interviewed and the results from the HHS and the

¹⁶² Stepan Chiciuk, Commissar, Comrat Police.

¹⁶³ Gheorgi Izioglu, Village Major, Congazchik Village Hall; For example, 'Police Seize Large Cache of Weapons from Former Gagauz Paramilitary', Moldova Azi, 18 November 2002, <http://www.azi.md/news?ID=21654>, 14 November 2005.

¹⁶⁴ Ivan Ianioglo, Deputy Head, Gagauzia ATU Police.

FGD in Gagauz Yeri indicate that the majority of Moldovans do not expect renewed confrontation and feel very secure.

7.1.3 Sources of illegal weapons

The majority of illegal weapons in Gagauz Yeri are thought to have entered the region during the 1991-1992 period of confrontation. While there was some disagreement amongst the interviewees regarding exact numbers, all agreed that weapons proliferation increased substantially during this period, with estimations ranging from 3,000 to 10,000 units. A number of sources for illegal weapons during this period have been identified: transportation from Russian troops deployed in Bolgrad (Ukraine), provision by the Transdnestrian separatists, seizure from local Soviet military stocks and transfers of weapons from Odessa to Comrat in 1991 by Ukrainian organised criminal groups.¹⁶⁵ Following the end of the confrontation, the weapons delivered by the Ukrainian organised criminal groups were said by these interviewees to have been re-purchased and trafficked back to Ukraine for re-sale. While these weapons came into the possession of ethnic Gagauzian groups, according to a former official involved in organising the Moldovan response, no weapons were distributed to the 20,000 Moldovan volunteer combatants who gathered around Comrat following the declaration of an emergency.¹⁶⁶ Only the 2,000 or so militia present were officially issued with weapons (PM and TT pistols and a small number of AK-47s).

It has been suggested that around half of the weapons that entered the region during the period of armed conflict have remained unregistered or have not been surrendered during collection campaigns.¹⁶⁷ Though it is difficult to identify any reliable information to prove or disprove the claim, it is thought that criminal groups now control a large part of these weapons.

7.1.4 SALW collection

Following the 1994 agreement, which granted Gagauz Yeri autonomous status, an amnesty was declared which allowed for the voluntary surrender or registration of illegal weapons that had been circulated amongst both the Gagauz paramilitaries and Moldovan volunteers. The amnesty included a monetary buy-back incentive scheme. Although the Survey team was not provided with detailed figures for the weapons collected during the amnesty, it has been stated that it was not fully successful and that the incentive scheme encouraged people to hand over grenades, but not automatic weapons and machine guns.¹⁶⁸

Gagauz Yeri has also participated in the two six-month national weapons amnesties in 2001 and 2002. As in the rest of Moldovan Government-controlled territory, these amnesties were supported by awareness-raising campaigns from the HFAM's Gagauz branch, including appearances on local television and in the local printed media. Although the Survey team was not provided with figures for the number of weapons handed in during these two amnesty periods, it has been told that the number of voluntarily surrendered weapons was much lower than in the rest of Moldovan Government-controlled territory. The problem with past collection campaigns and amnesties in Gagauz Yeri appears attributable to a fear of the police and the central authorities, a lack of information regarding the surrendering of weapons and a fear of questioning regarding the provenance of the weapon (especially if it has been held for more than ten years). It was also suggested that unregistered weapons are not being surrendered as it is thought that they might be needed in the future, in the event of renewed confrontations with the central government. As stated above, the Survey team found few indications that this is in fact the case.

7.2 SALW impacts

Similarly to the rest of Moldovan Government-controlled territory, the Survey team had great difficulty sourcing information on SALW impacts in Gagauz Yeri. In general, public health and crime impacts seem to be low. In

¹⁶⁵ Nikolai Stioanov, Vice Leader, 'Edinaya Gagauzia'; Anatol Taranu, Parliamentarian (it is not known whether these weapons were bought, seized or donated by Russian troops); Gheorghe Molla, Vice Bashkan, TAA Gagauzia Bashkanat.

¹⁶⁶ Nikolai Chirtoaca, Executive Director, the European Institute for Political Studies.

¹⁶⁷ Nikolai Stioanov, Vice Leader, 'Edinaya Gagauzia'.

¹⁶⁸ Ivan Ianioglu, Deputy Head, Gagauzia ATU Police.



contrast to popular opinion in Moldova, the Survey team found no evidence of a strong gun culture amongst ethnic Gagauzians. Generally, interviewees agreed that weapons have a very low impact in Gagauz Yeri. The main problems with weapons appear to be those associated with poaching or abuse of alcohol while hunting.¹⁶⁹

7.2.1 Weapon injuries

The only information made available to the Survey team for weapon injuries were from Comrat town. From the 110 - 150 fatalities every year in Comrat, there are only about 10 - 12 murders and only 1 - 2 cases related to weapons. The most common causes of death are road incidents, traumas, and suicides (none of which involved weapons):¹⁷⁰

	2001	2002	2003	2004	2005
Fatalities (Weapons)	1	2	1	2	1
SALW Type	Hunting	Hunting	Hunting	1 x Rifled 1 x Hunting	Grenade
TOTAL FATALITIES	101	153	110	139	-

Table 33: Fatalities involving weapons, 2001 - 2005

This very low level of weapon mortality reflects a trend across all regions in Moldovan Government-controlled territory. It is probable that this rate of weapon fatalities is also consistent throughout Gagauz Yeri. No figures were provided for the number of injuries attributed to weapons.

7.2.2 Crime attributed to SALW

As in the rest of Moldovan Government-controlled territory, the level of general crime and organised criminal activity in Gagauz Yeri has decreased since the mid-1990s and especially since 2000. The general situation in 1991 - 1992, as Gagauzians armed themselves in preparation for the anticipated conflict, is said to have been very insecure. A high level of insecurity continued after the conflict period because of an increase in crime, itself fuelled by the large numbers of weapons in society. However, the situation is presently calmer with a perceptible reduction in the number of crimes, including those carried out with weapons and those involving armed confrontations between criminal groups. For example, in the first eleven months of 2005, no crimes involving weapons were registered by Comrat's police commissariat. Although illegal weapons are sometimes used in the commission of crimes, no statistics were made available on this topic. Poaching represents the one weapon crime that is thought to be widespread in Gagauzia.

High levels of security in Gagauz Yeri were demonstrated by both the Gagauz Yeri FGD and the HHS, which showed that residents think that they live in a secure region and that security problems do not differ significantly from those in the country as a whole. However, interviewees disagreed as to the cause of the improved criminal situation and the reduction in the impact of weapons on Gagauzian society in recent years. While the Commissar of Comrat Police attributed the improvement to police efforts, others thought that it was due to migration from Gagauzia and a tendency towards engaging in corruption rather than armed confrontation.¹⁷¹ Like their counterparts elsewhere in the country, some Gagauzian interviewees were of the opinion that actual crime levels have not decreased substantially, but rather that distrust in the police has resulted in lower reporting levels.

7.2.3 Gun culture

It is a common perception throughout Moldova that ethnic Gagauzians have something of a gun culture. The Survey team found little evidence to support this view. While interviewees in Gagauzia commented on the use of

¹⁶⁹ Gheorghe Molla, Vice Bashkan, TAA Gagauzia Bashkanat; Gavrill Bargan, President, Comrat Region Hunters Association Council; Georghii Iziogly, Mayor, Congazchik Village Hall.

¹⁷⁰ Carolina Pascali, Forensic Expert, Comrat Central Hospital.

¹⁷¹ Stepan Chiciuk, Commissar, Comrat Police; Nikolai Stioanov, Vice Leader, 'Edinaya Gagauzia'.

weapons, including machine guns, at celebrations such as New Year's Eve, this use and the visibility of weapons in society does not appear to be higher than in other parts of Moldovan Government-controlled territory. The one strong indication of a gun culture amongst the Gagauz might be the continued reluctance to hand in unregistered weapons, though this can also be explained by a number of other factors (see above).

7.3 SALW control capacity

7.3.1 Conflict and co-ordination with Chişinău

Reports often note that relations between the Gagauz regional Parliament and the Moldovan Government have been strained. However, those interviewed agreed that co-operation between the Moldovan Government in Chişinău and the autonomous territory's administration is generally good, that Gagauz's status is already regulated and that the Gagauzian authorities are fully controlled by the Chişinău Government. The Turkish influence in Gagauz Yeri also does not seem to have had the negative impact in Gagauz Yeri that Russian influence is presumed to have had in Transdnistria (as one Gagauz Yeri FGD participant stated, *'Turkish politics in Gagauzia differs from the Russian one in Transdnistria'*). Indeed, participants in the Gagauz Yeri FGD consider Gagauzia to be more of a cultural than a political entity. While local politicians have stated that there exists some disagreement between the legislation of the Republic and Gagauz Yeri in relation to administrative regulations, no details were provided.

7.3.2 Police capacity

While the police in Gagauz Yeri generally have sufficient capacity to fulfil their SALW control responsibilities, some specific weaknesses were uncovered in terms of law enforcement and crime prevention (with the same caveats that apply for the police in the whole of Moldova). Specifically, a low capacity to conduct regular inspections of weapons was expressed by interviewees. It was consequently suggested that rifled weapons should be banned in Gagauzia as the police presently have enough difficulty inspecting and controlling the weapons and activity of hunters.¹⁷² Given this fact, the present increase in self-defence weapons in Gagauz Yeri could present a future challenge in terms of regulation and inspection.

The MIA does not reportedly have a problem in co-operating with the Gagauzian police, as Gagauz Yeri is, 'a full part of the Republic of Moldova'.¹⁷³ Indeed, the police commissariats that police Gagauz Yeri include areas that fall outside of the autonomous territory. While the existing police commissariats have ensured that SALW control by police officers in Gagauz Yeri is well co-ordinated with the rest of Moldova, one local politician claimed that the present division does not correspond to the status attributed to Gagauz Yeri by the 1994 agreement.¹⁷⁴ For example, as Comrat is a municipality, it should have a separate police force (similar to Chişinău). The police in Comrat are, however, responsible for the whole Comrat region and have duties and obligations that do not correspond to its status.

It terms of co-ordinating SALW responses in Gagauz Yeri, at least one key informant thought that the central public authorities of Gagauzia should create a special commission for individual weapons.¹⁷⁵ Given the right membership and remit, such a commission might prove beneficial, as a substantial number of unregistered weapons, mostly left-over from the period of confrontation, are still illegally owned in the region. Further, a special state structure could help to defeat the illegal hunting in Gagauz Yeri.

7.3.3 Judiciary and prosecution capacity

The capacity of the judiciary and prosecution to investigate and prosecute SALW crime was considered adequate by those interviewed. The Prosecutor's Office in Chişinău reports relations with Gagauzia to be satisfactory, and although Gagauzia's administrative structures use their own methods for criminal investigations, this does not

¹⁷² Ivan Ianioglu, Deputy Head, Gagauzia ATU Police.

¹⁷³ Col Mihai Cebotaru, SALW National Focal Point and Deputy Head, Department of Public Order.

¹⁷⁴ Victor Volcov, Vice Mayor, Comrat City Hall.

¹⁷⁵ Afanisii Baurciuluu, Head, Comrat Regional Court.



prevent successful collaboration between the legal machinery in Gagauz Yeri and Chişinău. The main problems related to the justice service in Comrat concern scarce technical equipment and a lack of personnel. For example, there are only six judges in the Comrat Regional Court. Further, the forensic expert at the Comrat Central Hospital is responsible for two regions (Comrat and Cimişlia), but often has to investigate cases from the adjacent three regions (Leova, Basarabeasca and Taraclia). This happens frequently when no experts are available in the other regions. Finally, there are some indications that poachers are not always punished for violating the law as the police are appealed to by local leaders.¹⁷⁶

7.3.4 Civil society and media

Civil society in Gagauz Yeri is less developed than in the rest of Moldovan Government-controlled territory, in part due to the inability of Gagauzian civil society to attract funding. There are, as a result, no Gagauzian NGOs working on security and SALW issues. The Peace Building Framework Project, which has the goal of strengthening civil society and co-operating between local authorities and civil society, is one of the few international projects that have targeted civil society development in Gagauz Yeri. At the moment, however, the project does not include funding projects on security and SALW issues. As a result of the absence of any independent Gagauzian media, coverage of SALW issues in Gagauz Yeri is virtually non-existent, the one notable exception being coverage of the two Moldovan amnesties.¹⁷⁷

¹⁷⁶ Gavriil Bargan, President, Comrat Region Hunters Association Council.

¹⁷⁷ See project website, www.peacebuilding.md, accessed 17 November 2005; Stability Pact Media Task Force, *Support to Media in SEE Strategy 2005-2007*, <http://www.stabilitypact.org/media/MTF%20strategy%202005-2007.pdf>, accessed 23 November 2005.



Transnistria and the Security Zone

The area encompassed by Transnistria and the Security Zone can be subdivided into two parts, one of which is administered by the Moldovan Government, while the other is under the control of the Transnistrian authorities (for background information on the Transnistrian region see Section 2.2). The following section focuses on the situation on the territory under the control of the Transnistrian authorities, as the situation in the Moldovan Government-controlled part of the Security Zone has already been covered in Sections 3 to 7. Where SALW controls within the Moldovan Government-controlled part of the Security Zone differ from the rest of Moldova, these variations are explored in detail.

8 Small Arms Distribution Survey¹⁷⁸

8.1 Overall distribution

This Survey estimates that as of November 2005, there were at least 129,694 weapons in Transnistria and the Security Zone. Of them:

- 4,250 weapons were registered to individual citizens.
- 444 weapons were registered to legal entities.
- At least 122,700 were in the possession of the Transnistrian Armed Forces.
- At least 2,300 were in the possession of the OGRF
- A negligible number of unregistered weapons were in the possession of individual citizens.

The above figures do not include the number of weapons in the possession of the citizens and police in the Moldovan Government-controlled section of the Security Zone. The methodology for these estimates and a more detailed breakdown of the distribution of these weapons by category is provided in the following sections (Section 8.2, 'Civilian weapons'; and Section 8.3, 'Security structures').

8.2 Civilian weapons

8.2.1 Weapons owned by individuals

According to the Transnistrian Ministry of Interior, as of December 2005 3,905 individual licensed weapon owners possessed 4,250 individual weapons on the territory controlled by their authorities. This means there are:¹⁷⁹

- 0.8 individually registered weapons per hundred people.
- 0.7 licensed weapon owners per hundred people.
- 1.1 weapons registered to each licensed owner.

If accurate, this ownership ratio is lower than in the rest of Moldova (1.5, 1.3 and 1.1 respectively) and considerably lower than other parts of South Eastern Europe. Of the licensed weapon owners, 267 have licences to own rifled weapons and 50 have licences to own both smooth bore and rifled weapons. 91% (3,868) of individual arms owned by civilians are smooth bore and 9% (382) are rifled.

¹⁷⁸ This Survey does not support or contest the legality of the SALW held by the Transnistrian military and security structures, nor the legality of those SALW registered by the Transnistrian authorities. Rather, it seeks to establish the numbers and types of weapons controlled by the Transnistrian authorities.

¹⁷⁹ According to the Transnistrian Minister of Economy, in 2005, the territory controlled by the Transnistrian authorities has an estimated population of 556,000 people.



8.2.2 Weapons owned by legal entities and the private security sector

In addition to those weapons owned by individuals, 65 legal entities possess 444 officially registered weapons. These legal entities are considered to be of 'national interest' and are guarded both by internal security divisions with their own military guards, as well as by the Transdniestrian Ministry of State Security. Such legal entities can be publicly or privately owned and include factories, banks, farms and water installations.

According to representatives from the Transdniestrian authorities, no PSCs are currently operating in the region. However, several other sources have suggested that at least one organisation, the business conglomerate 'Sheriff', offers private security services. There are also unsubstantiated claims that Cossacks provide unofficial private security services, although the Transdniestrian MIA denies this. The Survey team was not able to validate either of these claims.

While Moldovan PSCs can operate in the section of the Security Zone regulated by the Moldovan police, they cannot enter the area controlled by the Transdniestrian authorities, and are therefore only able to guard transports as far as the border with Transdniestrian-controlled territory.¹⁸⁰

8.2.3 Demand for weapons

Interviews conducted by the Survey team demonstrated that there is at present a low level of demand from civilians for weapons in the territory controlled by the Transdniestrian authorities. According to Transdniestrian officials, the majority of the public do not consider it necessary to own weapons for personal protection, for reasons of expense and low crime levels. Communities living in the Security Zone represent one potential exception to this rule, especially those located close to the ceasefire border. Residents in these communities experience greater insecurity and circumstantial evidence suggests that they tend to feel a greater need for weapons (see Box 13, 'Living in the Security Zone'). However, the Survey team was not provided with a geographical breakdown of weapon ownership in the territory controlled by the Transdniestrian authorities and was consequently unable to determine whether the level of registered weapon ownership differs in communities near the ceasefire line.

8.2.4 Unregistered weapons

Given the present situation in Transdniestria and the Security Zone and a lack of verifiable data, the Survey team was unable to estimate the number of unregistered weapons in circulation there. The information available, however, seems to suggest that unregistered SALW distribution and possession amongst the civilian population in Transdniestria is not significant. According to representatives of the Transdniestrian authorities, there are no longer a large number of unregistered weapons in Transdniestria.¹⁸¹ While there may not be many unregistered weapons in the region, there are thought to be many more munitions left over from the conflict. This analysis is supported by anecdotal evidence from interviewees, who were much more likely to have knowledge of, or have seen, illegal grenades or other munitions than weapons.

Official Transdniestrian voluntary surrender and seizure levels over the past 13 years show that a relatively consistent number of weapons of all types have been received/seized annually by the security services – on average, there were 147 weapons collected or seized per year.¹⁸² The following table reflects the exact breakdown by year and SALW type according to statistics presented by the Transdniestrian authorities:

¹⁸⁰ Moldovan-registered PSCs were active in Transdniestria during the armed conflict in 1992 and subsequently 'up until 1995'. One interviewee stated that, as the Moldovan security services were unable to operate in Transdniestria during the conflict, PSCs were sometimes employed to arrest Moldovan criminals based in Transdniestria in order to return them to Moldova. Ion Mizunskiy, President, Association of Non-State Detective Services of the Republic of Moldova and founder of PSC 'Respect', Chişinău.

¹⁸¹ Colonel Oleg Beljakov, Deputy Minister, MIA, Transdniestrian authorities.

¹⁸² Official correspondence with Colonel Korolev, MIA, Transdniestrian authorities.



YEAR	RIFLED WEAPONS	SMOOTH BORE WEAPONS	GRENADES	AMMUNITION
1993	129	23	63	5,012
1994	82	26	55	4,188
1995	50	22	64	4,374
1996	83	32	91	8,341
1997	42	45	44	3,021
1998	26	55	45	6,783
1999	41	80	35	11,837
2000	56	66	37	5,976
2001	28	67	29	3,437
2002	15	68	22	7,935
2003	21	86	61	18,131
2004	21	59	49	9,503
2005	18	49	35	7,587
TOTAL	612	678	630	96,125

Table 34: Number of SALW seized, by year and type

(Source: Transnistrian Ministry of Internal Affairs)

All interviewees further agreed that the number of unregistered weapons has reduced substantially since the period of armed conflict when there was thought to be a high level of illicit SALW distribution amongst the general population. One interviewee claimed that during the armed conflict there was one weapon for every three persons, suggesting that a decade and a half ago, there would have been more than 200,000 weapons on Transnistrian-controlled territory. Whilst it is not possible to evaluate this assertion for a number of reasons, including historically poor transparency on security issues in Transnistria, it seems plausible given the previous armed conflict and historically porous borders (see below). As there was no clear distinction between armed forces and civilians at the time, it is difficult to state what proportion of this figure was 'legal' (under the control of the Transnistrian authorities), and what proportion was 'illegal' (not under their control). Indeed, a large proportion of the 200,000 firearms may have been made up of the 122,700 firearms now under the control of the Transnistrian armed forces.

8.2.4.1 Sources for unregistered weapons

The Survey team have identified several sources for unregistered weapons in the territory controlled by the Transnistrian authorities: the 1992 conflict, potential thefts from Transnistrian and OGRF stockpiles and trafficking.

The 1992 armed conflict: To develop a picture of the factors that have driven illicit SALW proliferation and misuse it is important to understand the recent historical context. The armed conflict was largely fought with SALW that had entered into the possession of the civilian population. The method by which these weapons entered into civilian possession is a matter of considerable debate, with suggestions including the spontaneous seizure of former Soviet weaponry by civilians, seizures by Transnistrian separatists and by the distribution of weapons to civilians by the Transnistrian and Russian armed forces.¹⁸³ The Survey team was not able to determine the precise method by which former Soviet weapons entered into civilian possession.

Regardless of the exact means by which weapons were made accessible to the civilian population prior to and during the 1992 armed conflict, it is very likely that today a certain number remain. One source stated that the

¹⁸³ See for example, Ionescu, D. *From SSMR to the Republic of Moldova ± PMR*. Chişinău: Museum, 2002.



number of weapons from the armed conflict that are still in civilian hands could amount to several thousand, and representatives of the Transdniestrian authorities have confirmed that, *'there remain a small number of weapons left over from 1992 – they do exist'*.¹⁸⁴ While the Transdniestrian authorities maintain that the number of illicit weapons is small, it is possible that illicit possession is more significant in the city of Bender/Teghina. The city has a special status under the ceasefire agreement, and is policed by both the Transdniestrian Militia and the Moldovan Police.

Thefts: It has been suggested that SALW and ammunition continue to leave Transdniestrian and/or Russian stockpiles in Colbasna, Tiraspol and elsewhere through theft. Such claims have never been substantiated and under contemporary circumstances seem unlikely. In an interview with the Survey team, the Commanding Officer of the OGRF in Transdniestria stated that no thefts of weapons under the control of the Russian Federation personnel have taken place since 1992.¹⁸⁵ The Transdniestrian authorities also deny that there have been thefts of SALW from its stockpiles. Indeed the Transdniestrian Deputy Minister of Defence claimed that as SALW are not manufactured domestically in Transdniestria and the authorities are not able to import weapons legally, the maintenance of existing capacity is critical. This statement would seem to be supported by the fact the Transdniestrian armed forces rarely undertake live firing exercises given the finite quantities of usable ammunition that they have access to and the wear on the weapons that would occur as a consequence of regular use.

Trafficking (see also Sections 3.3.4.4 and 3.3.4.5): According to representatives of the Transdniestrian authorities, weapon trafficking into Transdniestria for unregistered use is a small and manageable problem, with weapons arriving in or passing through Transdniestria in small quantities, both from Ukraine and Moldovan-Government controlled territory.¹⁸⁶ If this is correct, the trafficking of weapons would not appear to provide a substantial source of illicit weapons in Transdniestria and the Security Zone.

In reality, the extent of the problem is far from clear as data received from different sources is contradictory and transparency is low. Tiraspol's claim that the trafficking of weapons is not significant is supported by their own low interception figures. These figures are, however, at odds with Ukrainian Border Police figures for 2005, which demonstrate a slight increase in seizures over previous years, although it is not clear whether these weapons were seized *en route* to or from Transdniestria. Furthermore, as it was not possible to interview either members of the public or operational level law enforcement officers on this question, no objective assessment can be made as to whether or not enforcement is rigorous. However, the fact that local demand for weapons is low, either due to a saturated market or to weak incentives for possession, lends validity to the argument that trafficking does not represent a substantial problem for Transdniestria and the Security Zone.

While there is no substantial evidence of weapon trafficking into Transdniestria, some contraband activity does exist, as evidenced by the ready availability of narcotics in Transdniestria (including in Transdniestrian prisons).¹⁸⁷ While no commodity interdependence between trafficked drugs and weapons could be identified during this research, experience from elsewhere in the region demonstrates that trafficking routes do not substantially alter according to the illicit commodity, so there is a clear potential for existing trafficking networks to be used for SALW smuggling into Transdniestria, were demand to increase (see also Section 3.3.4.6).

8.2.5 Moldovan-controlled territory

Moldovan citizens living in Bender/Teghina and the area of the Security Zone under Moldovan administration can legally buy and register weapons according to Moldovan legislation, as the Moldovan police should have access to this area and should therefore be able carry out weapon verification checks. Citizens residing in the territory under the control of the Transdniestrian authorities are not able to buy and register weapons in Moldovan Government-controlled territory, precisely because the Moldovan police cannot have access to those weapons. It is, however, hard to quantify the number of weapons that have been purchased by Moldovan citizens residing

¹⁸⁴ Anatoly Guretsky, Minister for Justice, Ministry of Justice and Nikolai Sopanovic, Deputy Minister, Ministry of Justice, Transdniestrian Authorities.

¹⁸⁵ Interview with General Segeyev, Commander OGRF, Tiraspol.

¹⁸⁶ Colonel Oleg Beljakov, Deputy Minister, MIA, Transdniestrian authorities.

¹⁸⁷ Anatoly Guretsky, Minister for Justice, Ministry of Justice and Nikolai Sopanovic, Deputy Minister, Ministry of Justice, Transdniestrian Authorities.



in the Security Zone as weapons are registered according to the police commissariats, which include large areas outside the Security Zone. Clear figures for civilian weapon ownership are only available for Bender/Teghina and Dubăsari. In Bender/Teghina there are 322 licensed weapon owners with 436 registered weapons, while in Dubăsari there are 174 licensed weapon owners with 198 registered weapons. There is also one legal entity in Dubăsari that owns four licensed weapons. The weapon holdings have been included in the calculations in section 3.2.

8.3 Security structures

The Moldovan Government, the Transnistrian authorities and the Russian Federation all maintain armed capacity in the Security Zone through their participation in the Joint Peacekeeping Forces (JPKF). Furthermore the Transnistrian authorities maintain police, military and other security services in the territory controlled by Tiraspol, while the Moldovan police operate in the section of the Security Zone under Moldovan Government control.

8.3.1 Transnistrian Armed Forces and other security structures

Due to the current security situation, details of the numbers and specifications of SALW held by both the Moldovan and Transnistrian security services remain a closely guarded secret. In estimating force size and SALW numbers, the Survey team has drawn material from official MoD data, as well as from interviews with informed international and local observers.

Source of Transnistrian weapons: According to a senior member of the Transnistrian MoD, the Transnistrian authorities seized a *'very significant number'* of weapons from the Moldovan Republican forces during the conflict, which still remain a component of the Transnistrian military capability. The MoD also states that their forces claimed or seized from Soviet stockpiles the weapons that were *'necessary for their own defence purposes'*, returning unneeded stocks to the Russian forces one month after the end of the conflict. The method of arms appropriation remains unconfirmed, and it is unlikely that all sides will reach agreement on this matter.

8.3.1.1 Transnistrian Armed Forces

Personnel strength and SALW holdings: Full-time personnel of the armed forces of Transnistria are thought to number approximately 5,000, inclusive of the peace-keeping contingent active in the Security Zone. The following represents an estimated breakdown based on the most accurate information currently available from a range of informed sources:



DEPARTMENT	NO OF PERSONNEL
MoD General Staff	250
Infantry	
1 st Brigade, Tiraspol	700
2 nd Brigade and Training Centre, Bender/ Teghina	600
3 rd Brigade, Ribnitsa	450
4 th Brigade, Dubăsari	450
Peace-keeping Force, Vladimirovka	730
Air Force and Air Defence	
Independent Aviation Unit, Tiraspol	150
Aviation Equip and Repair Base, Tiraspol	250
1 st Anti-Aircraft Artillery Regiment, Tiraspol	200
Other Units	
Independent Tank Battalion 'Vladimirovka'	120
1 st Artillery Regiment 'Parkani'	220
Spetsnaz Battalion, Tiraspol	150
Independent Signal Battalion, Tiraspol	220
Independent Support Battalion, Tiraspol	250
1 st Engineer Battalion, 'Parkani'	220
SUB-TOTAL	4,960
Reservists (Estimate)	114,840
TOTAL	119,800

Table 35: Transdnistrian Armed Forces personnel

While there are only an estimated 4,960 professional members of the armed forces, the Transdnistrian authorities maintain a reservist list of all men aged 18-45,¹⁸⁸ meaning that there are an estimated 114,840 inactive reservists who could be called up if necessary. A senior MoD official disclosed that the ratio of SALW to armed forces personnel and reservists is slightly less than 1-1. If accurate, this would lead one to conclude that Transdnistrian SALW stocks are in the order of 100,000–115,000.

Types of SALW: Little is known about the types of SALW under the control of the Transdnistrian armed services, although it is presumed that their SALW are very similar to the equipment commonly held by the Soviet Union armed services in 1990. The Transdnistrian armed forces are thought to hold at least 13 anti-aircraft MANPADSs (the 'Igla' system) and approximately 130 anti-tank missiles (probably Fagot/AT4 system). Further, from both observing security personnel and from interviews, it appears that the main service weapon for active personnel is the Kalashnikov automatic rifle. While the condition of these weapons remains unknown, the 'formation weapons' deployed to serving servicemen are likely to be amongst the most functional of all SALW possessed

¹⁸⁸ The total number of reservists can be roughly estimated by calculating the number of men aged 18-45 from the general population of 550,000. According to the US Census Bureau Demographic data for Moldova, 26.1% of the whole population falls within this age bracket (<http://www.census.gov/cgi-bin/ipc/idbsum.pl?cty=MD>). Although Transdnistria has experienced a greater out-migration from men in this age bracket than the rest of Moldova, it is probable the figure is still valid for Transdnistria. As a consequence 143,550 people in Transdnistria fall into this category. Based on average figures from South East European states, around 80% of all men of reservist age are eligible for service, which excludes those deemed unfit for medical or other prohibitive reasons. This would mean that the maximum total reservist strength of the Transdnistrian armed services available in times of war would be approximately 114,840.



by the Transnistrian authorities. The conditions of those weapons that are stockpiled will vary depending on maintenance standards. However, it should be borne in mind that the majority are at least 15 years old.

8.3.1.2 Ministry of Internal Affairs

Based on interviews with a range of sources, the Survey team estimates that there are between 2,000 and 3,000 non-administrative MIA personnel in Transnistria:

DEPARTMENT	NO OF PERSONNEL
Special Forces	
Dniestr Battalion (Black Berets)	500
Internal Force 'Cobra' Battalion, (Parkani)	200
Militia	
Seven Subdivisions	1,900
Patrol Detachment (Pervomaiskii) ¹⁸⁹	150
Patrol Detachment (Parkani)	150
TOTAL	2,900

Table 36: Transnistrian Ministry of Internal Affairs personnel

According to a senior member of the Transnistrian MIA, each armed MIA member is issued with a single weapon, meaning that a total of 2,900 weapons are MIA-controlled. In addition to this number there are an unknown number of MIA-designated stockpiled weapons, but attempts to establish the extent of these stockpiles have proved unsuccessful.

8.3.1.3 Ministry of State Security

There are thought to be a modest number of armed personnel under the control of the Ministry of State Security, including the Cossack Frontier Regiment, the Frontier Garrisons and the Delta Battalion equipped with SALW and armoured personnel carriers. No information on the holdings of these groups was available.

8.3.1.4 Cossack Forces

The Cossack Forces (10th Cossack Regiment of Don Forces, Dubasari) are subordinate to the Black Sea Cossack Army and form another armed group within Transnistria and the Security Zone. The Regiment encompasses seven districts (or 'Okrug') and is thought to number between 1,000 and 1,500 troops, including 36 permanent staff in Tiraspol. The quantity and type of weapons maintained by the Cossack Forces remains unknown. According to the Transnistrian authorities, Cossacks are bound by Article 12 of the 'Law on Weapons' to the same degree as other civilians and are consequently not able to own and carry weapons that have not been registered by the MIA.¹⁹⁰

8.3.1.5 Ministry of Justice

Although the MoJ employees guarding the 3,350 inmates in prisons controlled by the Transnistrian authorities are armed, no information was provided to the Survey team regarding the type or number of weapons, or the total number of MoJ guards.

¹⁸⁹ The Transnistrian authorities maintain that this Patrol Detachment no longer exists.

¹⁹⁰ Official Correspondence from Major General A Korolev, MIA, Transnistrian authorities.



8.3.2 Operational Group of Russian Forces (OGRF)

In April 1992, following a decree by the Russian President Boris Yeltsin, the remainder of the 14th Soviet Guards Army was placed under the jurisdiction of the Russian Federation, and consequently reorganised into the Operational Group of Russian Forces (OGRF) in 1995. Although the Russian Federation committed itself at the 1999 OSCE Istanbul Summit to the complete withdrawal of Russian arms and personnel from Transdniestria by 2002, Russia continues to maintain a military presence in Transdniestria through the OGRF (comprising 1,200 Russian troops, including 552 personnel for the Russian contingent of the JPKF) and large stockpiles of mostly outdated weaponry and ammunition inherited from the 14th Soviet Guards Army. While the amount of SALW maintained for use by OGRF personnel was not revealed, the numbers of personnel and quantities of SALW held by the Russian forces (and other members of the JPKF) in the Security Zone are fully disclosed to the JCC on a periodic basis. According to the OSCE Mission to Moldova, it is likely that about 2,300 units of SALW are maintained for use by OGRF personnel, including the Russian contingent of the JPKF.

8.3.2.1 OGRF Stockpiles

The OGRF guards a stockpile of ammunition at Colbasna and a stockpile of SALW at Tiraspol airport. The quantities of SALW and ammunition under the control of the OGRF were not disclosed to the Survey team. Further, no thorough and independently verified count of OGRF ammunition and SALW stocks has ever taken place. As a consequence, it is not possible to provide an accurate estimate of the type and number of Russian ammunition and SALW presently stockpiled in Transdniestria. However, the military command in Tiraspol maintains that information on OGRF SALW stocks is shared with relevant states and international organisations through the Department of International Military Co-operation in Moscow.

Ammunition: According to the commander of the OGRF, stockpiled ammunition is stored at Colbasna. Some of the ammunition stored at Cobasna dates back to WWII. The stockpile grew considerably with the withdrawal of ammunition from Hungary and Czechoslovakia in 1990 and 1991 following the fall of their respective Socialist Governments. Following a series of ammunition withdrawals from 2001 to 2004 (see Section 10.6.1), the ammunition stockpiles at Tiraspol and Colbasna are thought to total about 20,000 metric tonnes and include:

- Engineering explosives, anti tank mines, and pyrotechnics;
- Pistol, rifle, machine gun rounds (up to 23 mm);
- Grenades, Rounds for Anti Tank Rocket Launchers; and
- Anti-Tank Guided Missile (AGTM) Projectiles.

It should be noted that the OGRF ammunition stockpile at Colbasna is located next to the stores of former Soviet armaments under the control of the Transdniestrian authorities. The Transdniestrian authorities also control all access roads to the OGRF stockpiles.

SALW: It is known that the types of SALW under OGRF control include handguns, machine guns, SPG grenade launchers and anti-tank grenade launchers.¹⁹¹ The Russian command in Tiraspol has confirmed that all weaponry with a calibre greater than 100 mm has already been repatriated to Russian bases in the Asian part of the Russian Federation. The OGRF asserts that all MANPADS have also been removed from Transdniestria, apart from 70 IGLA, which were reportedly destroyed in Transdniestria. This destruction has not, however, been independently confirmed. According to the commander of the Russian forces, firearms and other close-combat SALW are stored at Tiraspol. More sophisticated SALW pieces, such as RPGs, are reportedly stored at Colbasna, although the OGRF deny this. No information on the volume or condition of stocks was available and the Commander of Russian forces in the area referred the Survey team to Moscow for further enquires.

It is, however, widely quoted that the OGRF inherited 42,000 units of SALW from the 14th Soviet Guards Army (this figure has not been challenged by either the OGRF or the Transdniestrian authorities while in correspondence with the survey team for this report). The OGRF claims to have destroyed most of the SALW it inherited. Destructions of OGRF SALW stocks have not however been independently verified and no precise figures for the numbers

¹⁹¹ General Sergeyev, Interview, Tiraspol. January 2006.



destroyed have been produced. The OSCE estimates that about 2,300 units of inherited SALW are maintained for use by the OGRF at the present time. However, without transparent reporting on SALW destruction it cannot be ruled out that more than 2,300 from the original 42,000 firearms remain in Transnistria.

8.4 SALW Production

One of the most contentious issues associated with the Transnistrian conflict is the accusation that SALW are produced in factories on the west bank of the Dniestr, before being moved across the border with Ukraine for transfer to a variety of undesirable buyers. However, in common with accusations that SALW are trafficked across the boundary between Transnistria and Ukraine (see Section 3.3.4.4), accusations of SALW production in Transnistria have not been accompanied by substantive evidence. Neither the Moldovan Government nor the media was able to provide evidence supporting claims of production in the Transnistrian region. Equally, although the Transnistrian authorities have denied that production presently takes place, they have not made a robust effort to dispel the charges that they produce SALW, and have not yet agreed on proposals by the OSCE to monitor industrial production.¹⁹² On the basis of the information provided to the Survey team (see below), it is not possible to categorically confirm or dispel the claim that SALW is produced in Transnistria, although it appears likely that SALW production to arm Transnistrian units has taken place in the past.

There have also been specific allegations that some factories produce SALW without serial numbers, making them easier to traffic. According to the Chief of Section for the Directorate for Technical Criminology within the Moldovan MIA, the Directorate has processed a large number of Transnistrian trafficked weapons that lack serial numbers. These weapons are claimed to be for the most part comprised of imitation Makarov pistols, adapted gas pistols and rocket launchers. According to the Directorate, it is possible to distinguish the imitation Makarov pistols from those produced in Russia, and to determine that they were produced in Transnistria, due to the quality of steel used. However, this claim has not yet been validated, as tests have not been conducted to compare the steel found in the imitation Makarov pistols with a sample from the Ribnitsa MMZ Metallurgical factory in Transnistria. According to one UK-based metallurgical expert, such a test could be conducted.¹⁹³ Even if such a test were conducted and the results showed that the steel in the Makarov pistols originated from the Ribnitsa MMZ Metallurgical factory, this cannot be considered to be conclusive proof of the weapon's origin because the steel could have been transported to a secondary location for production. It was beyond the scope of this Survey to prove or disprove the validity of these claims, which were vigorously denied in interviews with numerous officials from the Transnistrian authorities.

No interviewees from the Transnistrian authorities denied that production of SALW and ammunition had occurred in the Transnistrian region during the 1990s. Officials in Tiraspol stated that weapons had been produced on Transnistrian territory for '*our own [security] needs*', but although stating that production of weapons had taken place, these officials were keen to point out that it has now ceased,¹⁹⁴ with present military production said to be limited to the manufacture of spare parts for Russian military aircraft.¹⁹⁵ However, no information was provided to the Survey team on the type and quantities of weapons that were produced (and at which facilities), who the weapons were produced for, and when production ceased.

It is probable that, in common with the trafficking of weapons from Transnistria, the production of SALW was stopped or downsized following greater international scrutiny of the arms trade since the 2001 terrorist attacks in the United States. In 2001, during the conflict-settlement negotiations, the Transnistrian authorities stated clearly that the five or so factories in the Transnistrian region with the capacity to produce SALW were no longer producing weapons, and offered to allow international inspections of those factories believed to be

¹⁹² Reference has been made to a visit by a delegation of the Security Council of Russia and the National Security and Defence Council of Ukraine to the industrial facilities 'Elektromash', 'Litmash' and the Ribnitsa factory. This delegation concluded that there was no evidence of production at any of these facilities. A joint protocol from the division can be found at, <http://www.mfa-pmr.org/news/index.php?lang=en&options=0&id=2&next=1#498>, accessed 08.03.06. As no detailed information has been provided on the methodology or criteria of the inspection, it cannot be taken as a conclusive refutation of allegations that SALW are produced in Transnistria.

¹⁹³ Alistair Doig, Materials Science and Engineering Group, Cranfield University. Such a test could be conducted using a Scanning Electron Microscope (SEM), or a 'wet' metallurgical chemical analysis if the metals are quite similar.

¹⁹⁴ Anatoly Guretsky, Minister for Justice, Ministry of Justice and Nikolai Sopanovic, Deputy Minister, Ministry of Justice, Transnistrian Authorities.

¹⁹⁵ Elena Egorovna Chernenko, 'Minister of Economy', Transnistrian authorities.



producing arms and ammunition (see below). Further, as the domestic market (including the rest of Moldova) for SALW is so small, the bulk of manufactured items would have to be exported for the SALW production to be economically viable. As scrutiny is now greater than during the 1990s, the unregulated export of SALW from the Transdniestrian region brings huge political dangers for the Transdniestrian authorities. This argument is further supported by Transdniestrian export data that showed US\$ 900,000 worth of 'weapons, munitions, their parts and accessories' exported from the Transdniestrian region in 2001.¹⁹⁶ This is the last registered year in which the Transdniestrian authorities exported goods in this category. However, it is also possible that these exports included old SALW from former Soviet stocks, withdrawal of Russian ammunition or the export of non-SALW weaponry or their parts, rather than newly produced goods. Further, although it is generally assumed that the section of Transdniestrian industry, that formerly comprised part of the Soviet military-industrial complex, has managed to sustain contacts with its Russian counterparts, it is quite feasible that Transdniestrian manufacturing has had to undergo the same process of redirection and transition as in the rest of Moldova.

There are, however, some examples of Transdniestrian arms transfers under Moldovan arms export licences. Until August 2004, when, as a result of the 'schools' crisis', the Moldovan authorities stopped issuing customs certificates to the Transdniestrian companies not registered in Chişinău, the Transdniestrian enterprises '*Aviia Pribor*' and '*Fabrica Constructoare de Masini*' had temporary registration in Chişinău and were able to obtain Moldovan export licences.¹⁹⁷ These enterprises are, though, engaged in the production and export of parts for military aircraft, rather than SALW.

8.4.1 Initiatives to monitor production facilities

Invitations to monitor production facilities suspected of producing armaments have been made by the Transdniestrian authorities to the OSCE as late as October 2005. Such offers have, however, not yet been accompanied by conditions that meet acceptable OSCE standards. In light of the restrictive nature of such invitations, no visits have taken place and the issue remains a subject of negotiations. The matter has now been taken up in the OSCE-brokered Confidence and Security Building Measures (CSBMs), of which there is a protocol on inspection suspected weapons manufacturing facilities (see Annex A).

The question of independent inspections of the Transdniestrian industrial sites has also been raised under the so-called 'seven-point peace plan', launched by the Ukrainian Government on 22 April 2005 at the GUAM conference in Chişinău. While all sides in the negotiation process welcomed the initiative at the time, ten months later no sign of pending inspections is apparent.

8.5 SALW transfers and the internal market

As the DMR is not internationally recognised, it is not party to any international or regional SALW control mechanisms. Under international law, all exports of SALW from, and imports into the Transdniestrian region therefore fall under the Moldovan transfer control system (see Section 6.1.7). As the Division for Dual-Use Goods Trade Control has not issued any licences to enterprises in Transdniestria to transfer SALW or ammunition, all transfers made by Transdniestrian enterprises since declaring themselves independent are, according to international law, illegal. Transfers that do not receive the correct licences and authorisations from this control system are consequently considered in Section 3.3.4.4, 'SALW trafficking'.

Two specialised gun shops are licensed by the Transdniestrian authorities to sell weapons.¹⁹⁸ The first, '*Antei*', is a privately-owned shop that sells smooth bore rifles for hunting purposes. The second is under the control of the Transdniestrian authorities and sells both smooth bore and rifled sports/service weapons and munitions. The MIA also states that as it is prohibited to legalise unregistered rifled weapons, rifled weapons cannot be legally acquired in any other way than through purchase from this gun shop. Smooth bore hunting weapons can, however, be legalised and then sold through the two shops. In principal, legal entities that have a licence to produce civilian and service weapons are also able to trade in them. The Transdniestrian 'Law on Individual

¹⁹⁶ *Statistical Annual of the Dniestrian Moldovan Republic for 2000-2004*, Statistical Service, Ministry of Economy, Tiraspol 2005.

¹⁹⁷ *Op. Cit.* Ion Lupan. It should be noted that the Transdniestrian authorities deny that such factories exist in Transdniestria.

¹⁹⁸ Colonel Oleg Beljakov, Deputy Minister, MIA, Transdniestrian authorities.



Arms' states that 'State Militarised Organisations' (MoD; Ministry of State Security; MIA; MoJ; State Customs Committee and Tax Militia of the Revenue Ministry; and organs of state security) can sell civilian and service weapons and their munitions in their control to legal entities licensed to trade in such weapons.

Transnistrian gun shops import weapons from both Moldovan Government-controlled territory and Ukraine. The Survey team was informed by the Moldovan MIA that the smooth bore weapons sold in these shops are imported from Ukraine, while all the rifled weapons legally in civilian possession were imported from one of the four Moldovan MIA state enterprises and resold from the Transnistrian authorities' gun shop. The majority of weapons are bought from and registered at one of the four gun shops in Chişinău, then transported by road and re-registered in Tiraspol. In the past, larger numbers of weapons were imported in a similar fashion from Ukraine, but during the last year this procedure has become increasingly difficult. The availability of weapons imported from Ukraine, if it is with the consent of Ukrainian authorities is clearly inconsistent with Ukraine's responsibilities under international law not to arm non-state actors without authorisation from the legitimate government of the state.¹⁹⁹ If transfers of civilian weapons have previously taken place with the agreement of the authorities in Transnistria and Ukraine, then it is not unreasonable to assume that the same mechanisms could have been used to facilitate transfers of military-style weapons and equipment.

¹⁹⁹ International law requires explicit authorisation from both the importing and exporting state.



9 Small Arms Impact and Perception Survey

Authorities at the Ministry of Health in Tiraspol appear to keep accurate health records and were more willing than their counterparts in Chişinău to provide figures about the impact of weapons on public health. Unfortunately, these figures could not be verified by a household survey, focus groups, the media or third-party sources.

According to Transdniestrian MIA statistics, criminal acts involving firearms are overwhelmingly conducted with unregistered weapons. Whilst this is not surprising when considering that premeditated criminal acts tend to rely on unregistered weapons in order to maintain anonymity, it is unusual that there are no official records of individuals using their registered weapons to commit criminal offences. No definitive conclusions can be drawn about the 15 incidents of SALW crime in which unregistered weapons were used because further details of the circumstances in each case were not available.

9.1 Weapon-related injuries

Although the Ministry of Health (MoH) confirmed that during 2004 and 2005, 34 individuals were admitted to hospitals in Transdniestria with gunshot wounds,²⁰⁰ fewer people are hospitalised in Transdniestria for weapon injuries than for injuries caused by knives or other sharp implements as the result of drunken brawls. Of these 34 cases, nine were dead on arrival at hospital, three later died in intensive care, and the remaining 22 were released. The youngest victim was 18 and the oldest 66, with the greatest concentration of victims aged between 18 and 36. The majority of conscious victims were apparently drunk when they entered hospital, and according to representatives of the MoH, often appeared to lie about the cause of their injuries.

The overall number of weapon injuries in Transdniestria is relatively high by regional standards with approximately five times more SALW-related injuries per capita in Transdniestria than in Bulgaria.

9.2 Weapon-related crime

According to information provided by the Transdniestrian authorities, weapon crime has been declining steadily since 2000, both in terms of the number of weapon crimes and as a percentage of overall crime:

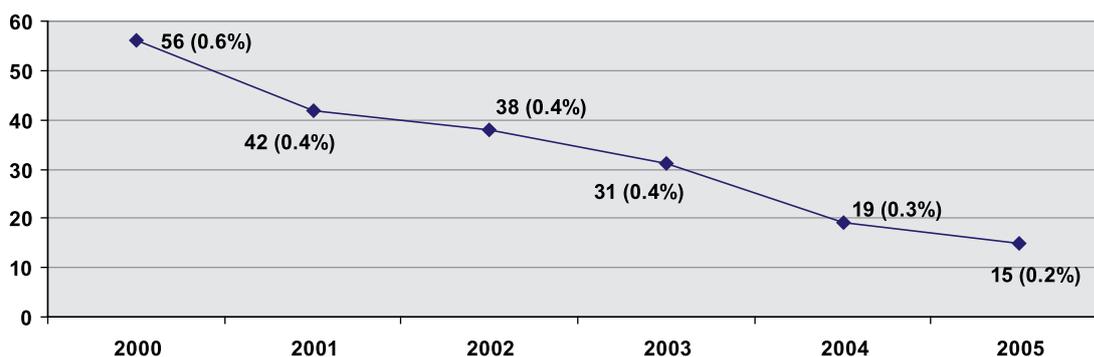


Figure 49: Number of crimes committed using firearms, 2000–2005²⁰¹

(Source: Transdniestrian Ministry of Internal Affairs)

In 2005 there were 5,524 criminal offences, of which 15 were committed with weapons. These offences included five murders, four robberies, three thefts of state property, and three murder threats. According to official statistics it appears that all 15 crimes committed in 2005 were committed with unlicensed weapons. If accurate this would mean that, since the adoption of the 2002 legislation, no illegal use of registered weapons has been recorded by the Transdniestrian MIA, a situation that is unique in Europe and quite possibly the world.

²⁰⁰ Semion Safronovich Shinkariuk, Vice-Minister, Ministry of Health and Social Protection and Svetlana Ivanovna Arkad'eva Vice-Minister, Ministry of Health and Social Protection, Transdniestrian authorities.

²⁰¹ Data for first nine months of 2005 only. Percentage of overall crime in brackets.



The interviews conducted for this Survey suggest that the ‘deeply problematic’ criminal situation that existed in the 1990s has been largely brought under control, and to the casual observer, Tiraspol in 2006 appears to be a relatively safe city. This has included a marked reduction in armed conflict between organised criminal groupings. All those interviewed cited 1998 as a turning point, up until which there were frequent clashes between the organised criminal groups as they contested influence over various areas of ‘business’.

9.3 Ongoing tensions in the Security Zone

Although there have been no open military confrontations or exchanges of gunfire since 1992 and no known armed confrontations between the Transdnistrian militia and Moldovan police, the frozen peace process and the presence of a large number of Moldovan and Transdnistrian security service personnel in and around the region ensure that tensions and the possibility of a provocation leading to an armed incident remain. There is also evidence that this situation has a negative impact on those people living in Transdnistria and the Security Zone.

Tension increased in the Security Zone during 2004, following the failure of the Russian-sponsored conflict settlement initiative – the ‘Kozak’ Memorandum – at the end of 2003. The ‘schools’ crisis, during the summer of 2004, represents the most visible aspect of the heightened tension. During the crisis the Transdnistrian militia attempted to forcibly close several Latin script schools serving ethnic Moldovan communities in the Transdnistrian-controlled segment of the Security Zone. This led to fears of direct clashes between the Transdnistrian militia and the Moldovan police, which were also deployed around the schools threatened with closure. The Moldovan Government retaliated during the schools’ crisis by implementing a blockade of Transdnistrian goods, including stopping issuing customs certificates to Transdnistrian companies not registered in Chişinău.²⁰²

The situation in Bender/Teghina has been especially tense in 2004. While Bender/Teghina is under *de facto* Transdnistrian administration, both Transdnistrian militia and Moldovan police provide policing in the town. The 1992 agreement specified that the militia and police should station 100 officers each in the town. However, at present it is thought that the militia and police maintain about 500 officers each. The presence of such a large number of police in perhaps the most sensitive part of the Security Zone, with the largest number of illicit firearms, keeps tensions high. Citizens living in the town are also presented with the problem of whether to abide by Transdnistrian or Moldovan laws. The Transdnistrian authorities have themselves recognised the difficulty of the present arrangement, referring to citizens of the town as ‘prisoners of the situation’.²⁰³ During 2004 there were moves by the Transdnistrian authorities to close or render ineffective Moldovan administrative services in Bender/Teghina. For example in February 2004, under co-ordinated action of the local administration and the Transdnistrian militia the roof of a Moldovan police building in the Bender/Teghina area was removed, forcing the police staff to take refuge with peacekeeping forces. In September 2004, Transdnistrian militia tried to gain control of the Bender/Teghina railway station (this operation included the deployment of armed Transdnistrian Special forces – *SpetzNaz* – along the railway line).²⁰⁴ There is the possibility that these actions could have led to armed confrontations. The situation remained tense in Bender/Teghina throughout 2005.

Further, in August 2004, Transdnistrian militia impeded Moldovan farmers at Dorotscoe from entering Transdnistrian-controlled territory in order to farm their land.²⁰⁵ Following intervention from the Moldovan police, Transdnistrian border guards at two checkpoints were armed and there existed the potential for the situation to escalate into direct clashes.

The continued tension between Moldovan and Transdnistrian security services has had a number of impacts on the civilian population. Firstly, the presence of armed militia personnel during periods of tension has become a

²⁰² Interview, Damien Helly, ICG Consultant; see also ‘Moldova Suspends Trade Across Dniester-Ukrainian Border’, BBC Monitoring Service, 17 August 2004; and ‘EU Backs Joint Control on Separatist Section of Moldovan-Ukrainian Border’, Basapress, 20 October 2004. The Transdnistrian authorities maintain that the police were not involved in closing the school, but were present to ensure public order.

²⁰³ Correspondence with the Transdnistrian Ministry of Internal Affairs.

²⁰⁴ The Transdnistrian authorities maintain that the Militia were involved in removing workers and police who had occupied the building following its transfer to Transdnistrian jurisdiction.

²⁰⁵ Dorotscoe is on the internal border between the Transdnistrian and Moldovan-controlled territories. Dorotscoe is very sensitive as it controls the roads connecting Moldovan farmers with their farming land in Transdnistrian-controlled territory. The problem of free access of Moldovan farmers to their land arises every year during the harvest period. Source: OSCE Mission, Moldova



'normal' occurrence on the territory controlled by the Transdniestrian authorities. Although citizens in the region have become accustomed to this presence, *'they get frustrated when they see armed policemen'*. Secondly, there is the perception amongst citizens living in parts of the Security Zone that no one is responsible for their security and safety, as well as the provision of other basic amenities (see Box 13, 'Living in the Security Zone'). Thirdly, the situation prevents the development of positive relationships between communities and the police and militia that should be policing them, which in turn has a negative knock-on effect on the security situation. Indeed, interviewees from the Security Zone were the only respondents to state that their security situation had not improved in the last three years.²⁰⁶

The most noticeable impact of the continued armed tension in Transdniestria and the Security Zone has been economic in nature. For example, the two month 'embargo' in 2005, during which Ukraine refused to allow the import and export of Transdniestrian goods without Moldovan export stamps, cost the Transdniestrian economy US\$ 150 million. As a result, residents in the Transdniestrian region were not paid their salaries or pensions during this period.²⁰⁷ The lack of economic security has had a knock-on effect in terms of large-scale depopulation of the Transdniestrian region. According to the 2004 census, the territory under the control of the Transdniestrian authorities presently has a population of 556,000, a 10% decrease from the 612,000 at the time of the last census during the Soviet period. This depopulation is also felt in the part of the Security Zone controlled by the Moldovan Government. For example, a large number of people have left the Moldovan village of Copanca, which is situated near to Bender/Teghina and Tiraspol, as they could not find work in the village and felt unsafe in both towns.²⁰⁸

In general, although residents in the Transdniestrian region do not appear to perceive arms as a priority problem in their community, there exists a fear of renewed conflict between the Moldovan Government and Transdniestria.

Box 13: Living in the Security Zone

The FGD comprised of people living in the Moldovan Government-controlled parts of the Security Zone discussed a range of security concerns that were not shared by participants from the other FGDs. Participants in this FGD expressed worries about:

- **Inability to move freely:** The villages are isolated from the Moldovan Government-controlled territory by Transdniestrian-controlled territory. In order to travel to and from Chişinău the villages' inhabitants have to pass through Transdniestrian customs checkpoints, at which they are obliged to pay taxes on a range of merchandise, including foodstuffs.
- **Inability to work farm land:** The land belonging to the farmers living in these villages is controlled by the Transdniestrian authorities. Due to the political situation and the position of their land, the villagers find it *'impossible'* to work their land and bring the harvest back to the villages.
- **Poor collaboration between Moldovan state agencies and the Transdniestrian authorities:** While the participants' villages fall under the jurisdiction of the Moldova Government in Chişinău, some of the villages' public utilities are provided by the Transdniestrian authorities. The level of co-operation between Moldovan and Transdniestrian public bodies is very poor and results in both sides claiming that it is the responsibility of the other to resolve local problems. In many cases this poor collaboration leads to inaction in areas such as the supply of power, gas and water; *'The power often goes down. There was a period when we had no power for a month and a half. I don't know whose fault it was, ours or Transdniestria's'* (FGD participant, Male, Security Zone).
- **Lack of Government accountability:** People living in the Security Zone don't know who to turn to for help and do not feel protected by any authority; *'there are four villages – Cosnita, Dorotcaia, Pirită and Pohrebea – that are like nobody's'* (FGD participant, Female, Security Zone).
- **The possibility of renewed conflict and low levels of personal security:** Inhabitants of the villages in the Security Zone also stated that they are greatly affected by the unstable situation in the region. They are not sure what may happen in the future and feel threatened by the possibility of a renewal of the conflict. This feeling of insecurity is reinforced by the large numbers of security service personnel from both the Moldovan Government and the Transdniestrian authorities.

Although those living in the Security Zone did not think their security situation had changed in the last three years, they did recognise that SALW had become less of a problem than in the mid-1990s and over the last three years. Although almost all of the FGD respondents were able to recall SALW incidents that had resulted in death or serious injury, they now most frequently involve accidental or deliberate use of grenades and other munitions.

The attitude of FGD participants from the Security Zone towards weapons was on the whole negative: *'I don't want to have a gun. I don't even want to see one. I saw too many in 1992'* (FGD participant, Male, Security Zone). The possibility of a renewal of the Transdniestrian conflict, the continued high levels of personal insecurity and the continued impact of SALW, are a few of the factors that explain these negative attitudes.

²⁰⁶ Security Zone FGDs; Mihail Tapu, Major of Copanca Village; Ludmila Topor, Councillor; Stefan Lisacenco, Police Lieutenant; see also Box 13.

²⁰⁷ Elena Egorovna Chernenko, Minister of Economy, Transdniestrian authorities.

²⁰⁸ Mihail Tapu, Major of Copanca Village; Ludmila Topor, Councillor; Stefan Lisacenco, Police Lieutenant; see also Box 13.



10 Small Arms Capacity Survey

10.1 Legislative and regulatory framework

SALW control within the Security Zone and the area under the administration of the Transnistrian authorities is complex. The multitude of security actors engaged in the region, the uncertain legal status of the relevant Transnistrian institutions and the varying capacity of the Joint Control Commission (JCC) and the Joint Peace Keeping Forces (JPKF) to fulfil their functions all play their part in this. In principal however, SALW controls in the Security Zone and Transnistria are governed by the following legislation and agreements:

- Agreement 'On the Principles for a Peaceful Settlement of the armed Conflict in the Dniestr Region of the Republic of Moldova', 21 July 1992,²⁰⁹ which ended the period of armed conflict (including the use of SALW) and established the governance and peacekeeping regime in the Security Zone.
- Agreement on the 'Principles of Co-operation between the OSCE Mission and the Joint Control Commission in the Security Zone', (10 December 2004, replaced the previous agreement of 20 July 1994) regulates the OSCE's monitoring and advisory role in the Security Zone regarding, among other things, SALW control issues.
- Laws regarding Moldova's internal SALW controls (see Section 6.1) apply in that area of the Security Zone under the control of the Moldovan Government
- Laws regarding the internal SALW controls of the Transnistrian authorities apply in the territory under its control, including in the Security Zone. The main pieces of Transnistrian legislation are:
 - 'Law on Individual Arms', adopted by the Supreme Soviet on 13 January 2002, regulates the production, trade, sale, transfer, ownership, collection, exhibition, registration, storage, carriage, transport, destruction and import and export of weapons, on the territory controlled by the Transnistrian authorities (Article 1). The Law is very similar to the Soviet-era 'Law on Individual Arms'.
 - 'Presidential' Decree 620, 'On the Rules for the Circulation of Civilian and Service Weapons and their Munitions on the Territory of the Dniestrian Moldovan Republic', 15 October 2002, which details the implementation of the 'Law on Individual Arms'.
 - MIA Order 95, 'On the Operations of the Organs of Internal Affairs regarding the Implementation of the Licensing System', 15 April 2002, details the operations of the MIA in registering and controlling weapons.
- Moldovan laws regarding transfer controls (see Section 6.1) apply throughout the whole of the area controlled by the Transnistrian authorities and the Security Zone.
- Decisions made at the 1999 OSCE Istanbul Summit and the 2002 Porto Summit provide for the withdrawal and destruction of Russian SALW and ammunition from the Republic of Moldova (Article 1).

The 'Agreement on the Principles for a Peaceful Settlement of the Armed Conflict in the Dniestr Region of the Republic of Moldova' established the Security Zone and the mechanisms for the provision of policing and security within it. It should be noted from the outset that this agreement and its stipulations regarding the role of the JPKF and the JCC has been interpreted differently by the various actors. According to the OSCE's interpretation, the JPKF is responsible for ensuring free movement within the Security Zone and preventing further military operations. Further, the JCC is responsible for implementation of the peace agreement and administration of the Security Zone, including the activities of the JPKF through the Joint Military Command (JMC). While Moldovan police and Transnistrian militia are allowed to fulfil policing activities within the areas under their control, the document necessitates the withdrawal of all military units from the Security Zone. The JPKF and the JMC have overt SALW control responsibilities, as they are the bodies responsible for preventing future conflict on Moldovan territory, which would include the use of SALW. They are also responsible for SALW control in the Security Zone, more specifically, the right to stop and search persons/vehicles in the Security Zone and look for weapons (this right is exercised on occasion and any weapons found are then passed on to the relevant police/militia), and issuing permits ('*vkłady*') for civilians to carry weapons within the Security Zone. However, the Transnistrian authorities

²⁰⁹ *Soglasheniye 'o pritsipakh mirnogo uregulirovaniya konflikta v pridnestrovskom regione respublikii moldova'*, 21 July 1992.



maintain that the ceasefire endows the conflicting parties (Moldova and Transdniestria) with the responsibility for ensuring free movement, implementing the peace agreement and administration of the Security Zone. For the purposes of this report the following analysis is based on the OSCE's interpretation as an impartial actor.

While this agreement, in lieu of a more advanced conflict settlement, regulates overall administration and SALW control within the Security Zone, the legislation of Moldova and Transdniestria is used in those areas under the control of the respective authorities. Indeed, it appears that the licensing of weapons on the ground is implemented entirely according to the respective legislations of Moldova and Transdniestria. The internal SALW control and transfer controls in force in the segment of the Security Zone under the control of the Moldovan Government has already been outlined above, in Section 6'. As a result, the following sections will analyse the control system in place on the territory under the control of the Transdniestrian authorities.

Box 14: The Security Zone

The Security Zone is divided into three sections (North - Ribnitsa, South - Tighina/Bender and Central - Dubasari), each of which is policed by different police/militia. Tighina/Bender comprises a special area within the Security Zone and is policed by both the Moldovan police and the Transdniestrian militia, each of which maintains approximately 500 personnel in the city. Peacekeeping operations are generally restricted to the Southern and Central zones, as there are no fixed borders in the Northern zone and peacekeeping activity there is consequently limited to JPKF patrols. This is partly due to the fact that the situation is comparatively quiet. It is important to note that while police and militia are allowed to operate freely within the Security Zone (and can be armed), planned movement of more than three soldiers in the Security Zone has to be reported in advance to the JMC. The JMC is then obliged to send observers to monitor the movements of the military personnel.

10.1.1 Internal SALW Control

Similar to the Moldovan licensing system, two different licensing systems operate on the territory under the control of the Transdniestrian authorities, one for weapons with rifled barrels and another for smooth bore weapons. These systems are two-tier, with the applicant first having to receive a licence to purchase a weapon and then a permit to own, or a permit to own and carry, the weapon.

According to Article 2 of the Transdniestrian 'Law on Individual Arms', weapons are divided into three categories: 'Civilian', 'Service', and 'Military'. Civilians can only purchase and own 'Civilian' weapons, which are divided into three further categories:

- Self-defence weapons. This category includes types of: short-barrelled rifled weapons, such as pistols and revolvers; long-barrelled smooth bore weapons; pneumatic weapons with a calibre of up to 4.5 mm; signal pistols; and gas pistols and revolvers;
- Sports weapons. This category includes types of: rifled weapons; smooth bore weapons; and small calibre (5-6 mm) weapons; and
- Hunting weapons. This category includes types of: rifled weapons, smooth bore weapons, combined smooth bore and rifled weapons and pneumatic weapons.

According to the Transdniestrian MIA, the sale of military weapons to civilians and legal entities is forbidden. Military weapons include certain types of high calibre rifles, as well as all machine guns and grenade launchers, and can only be possessed by personnel from the MoD, Ministry of State Security, MIA, MoJ, State Customs Committee and Tax Militia of the Revenue Ministry, and organs of state security.

10.1.1.1 Issuing a licence

In common with the rest of Moldova, applicants who wish to own smooth bore weapons make an application to their local MIA representative, while applicants wishing to own rifled weapons need to apply directly to the Department of Public Order and Prophylactic Measures in the Transdniestrian MIA.

In order to apply for a licence to purchase a weapon, which is then valid for six months (Article 8.3), applicants need to be over 18, provide a health certificate, pass the weapons course at the Tiraspol Legal College, not have



a criminal history and provide positive references from their places of work and residence. In addition, a hunting ticket has to be provided if the weapon is for hunting purposes. The Transdnistrian MIA is obliged to check the criminal background of the applicant and the proposed storage conditions of the weapons, and within two weeks of purchase, the purchaser must register with their local MIA representative or the central MIA (for smooth bore weapons/rifled weapons respectively). Under Article 12.11 of the 'Law on Individual Arms' the weapon owner is then provided with a two-year licence to own, or own and carry, his weapon. Licences to own weapons (but not carry them) are issued to the owners of self-defence weapons, whereas licences to own and carry weapons are issued to the owners of gas and pneumatic self-defence weapons, hunting and sports weapons. Licences to own weapons can be extended for further two-year periods.

Both service and military weapons can also be distributed as awards by the Transdnistrian authorities' (President) and managers within the Transdnistrian MoD, Ministry of State Security and MIA to the persons serving under them (Article 21.1). The recipients of award weapons are obliged to register them with the MIA within two weeks of receiving them. They are then provided with a licence to own and carry award weapons.

10.1.1.2 Licensing legal entities

Legal entities that wish to provide self-guarding services need a licence to establish and maintain an ISD. Applications for rifled weapons are made to the MIA in Tiraspol while applications for smooth bore weapons are made to local MIA representatives. Applications for licences from legal entities should indicate the type and number of weapons to be purchased (Decree 620, Article 41). The MIA/local MIA representative is obliged to review the application within one month of the date of receipt, including the storage conditions for weapons within the applicant legal entity. Legal entities are also obliged to register their weapons within two-weeks from purchase, with either the local MIA representative or the central MIA (depending on the type of weapon purchased), and apply for a licence to keep the weapon ('Law on Individual Arms', Article 11). The application to keep the purchased weapons should include information on both the person responsible for the weapons and on persons with access to the weapons. This information should include a CV, place of work, place of residence, certificate of health, evidence of past military service, and evidence of having passed the professional weapons training course (Decree 620, Article 26). If these conditions are met, legal entities are then given a three-year licence to keep and 'use' the weapon.

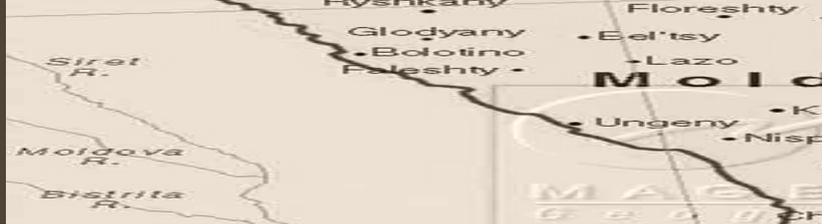
10.1.1.3 Use of weapons

On the basis of MIA Order No. 19, all individuals have to undergo training and assessment on the use and maintenance of weapons after applying to the Transdnistrian MIA to obtain a weapon. Training is conducted at the Transdnistrian MIA 'Tiraspol Legal Institute' in the Department of Military and Legal training. Under Article 24 of the 'Law on Individual Arms', citizens and employees of legal entities with weapon licences can use weapons in self-defence or defence of their property, but a clear warning must be given to the target, and the owner of the weapon is then obliged to inform his local MIA representative within 24 hours of any use of the weapon. Self-defence weapons can only be kept at home and cannot be carried in public, and weapons of any type cannot be carried by citizens at public meetings, demonstrations, pickets or other public events (Article 6.6). Weapons owned by legal entities should be stored in a specially designated storage room, and must not be kept in the houses of the security divisions' employees.

10.1.1.4 Verification and inspection

Like the licensing system in Moldovan-Government controlled territory, the Transdnistrian MIA pre-tests all rifled weapons before they are sold to civilians or legal entities, in order to build a database of the 'fingerprints' of all licensed civilian weapons. The Transdnistrian MIA also maintains an archive of bullets and cartridges for every physical and legal entity licensed to own weapons.

The storage conditions of all civilian-held weapons have to be checked by MIA personnel at least once a year. Further, according to the Statute of the Hunters Association, an Association Commission together with a local militia officer inspects hunting weapons and their storage conditions every three months.



10.1.2 SALW production

Despite denying that the production of SALW and ammunition occurs on Transdniestrian territory, the Transdniestrian authorities have developed legislation to regulate it. Production is regulated by the Transdniestrian 'Law on Individual Arms' and 'Presidential' Decree 620, 'On the Rules for the Circulation of Civilian and Service Weapons and their Munitions on the Territory of the Dniestrian Moldovan Republic', dated 15 October 2002.

The Transdniestrian MIA is responsible for regulating the production of weapons and their munitions and processing applications for manufacturing licences, which, when granted, indicate the type of weapons and munitions that can be produced by the licence-holder. Production licences last for one year from the date of issue. The production of weapons and munitions can only take place in enterprises that are at least 51% state-owned, and each individual weapon that is produced should be marked with a serial number. In addition to licensed bodies, owners of individual hunting weapons can make cartridges for personal use.

The State Administrative Supervision Service is charged with overseeing and ensuring that the manufacture of industrial goods corresponds with legislated standards. According to the law, it is incumbent upon manufacturers to have their goods certified following production by assigning a random sample of goods for testing. Goods regulated by these standards include explosive materials, protective materials and other light industrial goods. However, no information relating to the enforcement of these regulations was available.

10.1.3 Transfer controls

As the Transdniestrian authorities are not recognised by any foreign state or by international law, all 'legal' SALW transfers to and from the Transdniestrian region should comply with Moldovan legislation and regulations governing the import and export of strategic goods, or the import of goods for civilian use. This means that any SALW producer, importer or exporter must apply for licences to trade either through the Moldovan Division for Dual-Use Goods Trade Control or the Moldovan MIA. Transdniestrian authorities wishing to export also need to apply for a 'Certificate of Conformity' from the Moldovan authorities²¹⁰ in order to escape higher tax brackets. Significantly, only Russia – with which Transdniestria conducts roughly half of its trade²¹¹ – does not require such certification in order to attain preferable tax rates.

Transdniestria has no detailed legislation regulating SALW transfers. The transfer of SALW is therefore, in principal, governed by Article 17 of the Transdniestrian 'Law on Individual Arms'. According to this Law, the import and export of military SALW can be carried out by agencies authorised by the executive on the basis of inter-governmental agreements. The import of service and civilian SALW, all of which should have a serial number, can be performed by legal entities licensed to produce or trade in weapons on the basis of permission from the MIA. The export of service and civilian SALW can be performed by agencies licensed by the executive or by legal entities that have a licence to produce weapons. While this Article theoretically establishes the Transdniestrian regulation of SALW transfers, no mechanisms have been put in place by the authorities to enforce it. At present, each Transdniestrian 'ministry' has responsibility for a particular part of the manufacturing base and if a company wants a licence to export it presents an application to the relevant ministry (e.g. Ministry of Industry), which will then make a decision as to the 'appropriateness' of the export. The Ministry then informs the MoJ, which is ultimately responsible for issuing licences. No information was provided to the Survey team about the process for authorising SALW transfers.

10.2 Organisational Capacities

10.2.1 Joint Control Commission and Joint Military Command

The Joint Control Commission (JCC), which oversees the day-to-day functioning of the Security Zone, is comprised of six representatives from Russia, Moldova and Transdniestria (18 in total), selected from the Government, state security services, MFA, MoD, and MIA, as well as a special representative to coordinate the settlement process.

²¹⁰ Elena Egorovna Chernenko, Minister of Economy, Transdniestrian authorities.

²¹¹ *Statistical Annual of the Dniestrian Moldovan Republic for 2000-2004*, Statistical Service, Ministry of Economy, Tiraspol 2005.



The JCC should meet every week and all its decisions must be made by consensus. Representatives from the OSCE and Ukraine also observe the activities of the JCC.

The Joint Military Command (JMC) is comprised of the heads of the Moldovan, Russian and Transdniestrian peacekeeping contingents and the head of the General Staff of the JPKF. The JMC also included the head of the Ukrainian observers group. The JMC is obliged to provide a weekly report to the JCC on events in the Security Zone. The JCC also has 40 Military Observers (ten Russian, ten Transdniestrian, ten Moldovan, and ten Ukrainian) at its disposal to monitor military units and their movements within the Security Zone. The JCC has not, however, been fully functioning since 23 October 2004, following an incident at Dorotscoe when Transdniestrian militia established a Customs and Militia post.²¹²

A potential constraint in the operations of the JCC and JMC consistently mentioned is that under the terms of the 1992 ceasefire agreement, action by these bodies, including submission of actionable reports by the JMC's Military Observers, can only be taken by consensus. The feeling that the system is '*hamstrung by consensus*' and is not always able to fulfil its mandate of restricting the activity of armed groups in the Security Zone was not uncommon amongst interviewees. Further, residents in the Security Zone have expressed the opinion that the JCC and the special regime it oversees has no positive effect on their security situation, as decisions are neither taken nor implemented by the JCC.²¹³

10.2.2 Joint Peace Keeping Forces

The JPKF's principal responsibilities with regard to SALW control are to prevent future clashes between Moldovan and Transdniestrian forces in the Security Zone and to carry out searches for illegal SALW and ammunition. The JPKF is comprised of Russian, Transdniestrian and Moldovan peacekeepers. The Russian peacekeeping contingent is comprised of 552 servicemen. The Transdniestrian and Moldovan peacekeeping forces are each comprised of approximately 700 men. Russian JPKF personnel are well trained and paid in comparison with other Russian soldiers. The JPKF man a total of 15 observation posts in the Security Zone,²¹⁴ some of which are jointly manned by a combination of Russian, Moldovan or Transdniestrian personnel, or all three. The JPKF also operates a number of jointly manned mobile checkpoints and two headquarters (in Dubasari and Bender/Teghina). The JPKF are able to conduct patrols throughout the Security Zone, provided they announce the date and route of the patrol two weeks in advance. According to the OSCE Mission to Moldova, the JPKF do not carry out many patrols, and the military observers conduct the majority of patrols. In Bender/Teghina, which has a special status under the ceasefire agreement and is policed by both Militia and Police, the JPKF has a Military Commander, who has rapid action units under his command and has daily contact with the head of police and militia in Bender/Teghina.²¹⁵

Although the JPKF are entitled to restrict the movements of Moldovan and Transdniestrian military forces and counter any measures that may impede the free movement of persons and goods in the Security Zone, this is very difficult to enforce in practice, as all JPKF actions have to be approved through Russian-Moldovan-Transdniestrian consensus in the JMC. On those occasions when individual JPKF commanders have taken unilateral measures to fulfil their operational obligations, they have been punished rather than praised. As a result of this 'action by consensus', the JPKF have neither been able to assure free movement of civilians through the Security Zone nor restrict the movement of Transdniestrian and Moldovan military personnel.

The JPKF's ability to discover and seize SALW and ammunition and uncover the operations of military units within the Security Zone is inhibited by the scheduling of peacekeeping patrols two weeks in advance. This warning period could theoretically allow for the clandestine movement of military equipment by either the Transdniestrian or Moldovan security services.

²¹² See Section 9.1.3, 'Ongoing tensions in the Security Zone'. The Moldovan Government has refused to engage in JCC activity until this post is dismantled. Although Moldovan representatives have not attended JCC meetings since October, the JCC still meets in their absence, and could supervise any emergency situations that may arise. Further, the JMC is also still meeting.

²¹³ Mihail Tapu, Major of Copanca Village; Ludmila Topor, Councillor; Stefan Lisacenco, Police Lieutenant; see Box 13.

²¹⁴ OSCE Mission to Moldova.

²¹⁵ The Military Commander has proved effective in the past, and was able to diffuse the situation when Transdniestrian SpetzNaz blocked the Bender/Teghina railway in two places. OSCE Mission to Moldova.



Although the JPKF's mandate does not extend to policing of regular criminal acts (allowing them to concentrate on ensuring that armed groups do not operate in the Security Zone), they can be responsible for security provision upon request, provided these actions have been approved by the JCC. In the first instance however, citizens and legal entities in the Security Zone should turn to the police or militia. There is a certain lack of clarity over the point at which the JPKF is mandated to intervene in basic security provision. In the view of the OSCE Mission to Moldova, the precise roles of the JPKF and the police/militia therefore need to be elaborated. The Transnistrian authorities have expressed the opinion that policing services should not be provided by the JPKF due to a lack of competency. However, in the absence of a joint policing force, the task of policing falls to the JPKF in certain cases.

In spite of the limitations of the JPKF, it should be noted that there are no substantiated cases of armed individuals or groups entering the Security Zone and movement throughout the zone is relatively free. Neither have there been recorded cases of armed confrontations in the Security Zone. There have, however, been two recent SALW-related incidents between different JPKF forces and other security services. In 2003 a Russian JPKF officer shot at a Moldovan Police Officer after being dragged behind his car, while a second incident in 2005 involved a JPKF officer shooting in the air.²¹⁶

Box 15: Armed units in the Security Zone

It has been claimed that since its inception in 1992, both Moldovan and Transnistrian armed units have routinely penetrated the Security Zone in clear violation of the ceasefire agreement. The presence of Transnistrian armed units in the Security Zone is considered to be the most overt, with an estimated 80% of all Transnistrian security units being located there. Following President Smirnov's December 1992 decree 'Organisational Measures for Securing the DMR State Border', Transnistrian Frontier forces began operations in the Security Zone and units from the Transnistrian Customs Department started their operations shortly afterwards. There have also been recent reports that the Moldovan Army deployed 15 special forces personnel in the Security Zone without informing the JMC and that the Moldovan 'Fulger' special units have been operating in Bender/Teghina. It should be noted that the Transnistrian authorities maintain that the only Transnistrian forces operating in the Security Zone form part of the JPKF. Although the JCC's Military Observers should be allowed access to all these armed units, it is not, in practice, granted. The number of SALW held by these armed units in the Security Zone is also unknown. Several analysts have attributed blame for this penetration of the Security Zone to the unwillingness of Russian peacekeepers (or commanders) to fulfil their responsibilities.

In addition to the 15 peacekeeping posts, there are a further 80 posts (Fiscal, Police, Militia, Border Guards and Customs) belonging to both the Moldovan Government and the Transnistrian authorities. The number of these non-JPKF posts has grown dramatically since 2002. According to the JCC, police, militia and customs posts should be more than 50 metres away from peacekeeping posts. This is not, however, always the case and the proliferation of these various posts prevent the peacekeepers from being able to ensure the free movement of persons and goods within the Security Zone. Personnel at these posts are sporadically issued with arms, most notably during periods of high tension, yet these posts are often installed in ways that heighten tension and could lead to confrontations.

10.2.3 Operational Group of Russian Forces (OGRF)

Apart from peacekeeping, the main task of the OGRF is to guard Russian military stockpiles. Much has been said about the potential hazards posed by the volatility of ageing stocks of ammunition, including statements made by the Russian Defence Minister Sergei Ivanov in June 2005. However, as independently verified information on the condition of stockpiles is not available, the only information available is that provided by the OGRF. The OGRF states that its military assets are stored in military units in special rooms, protected 24 hours a day by a high level of physical and technical security, including: alarm systems (checked daily); parameter of barbed wire; motion sensors; sniper towers; and personnel with night-vision equipment. In addition, it states that full inventories are conducted every year and checked against official lists. According to the commander of the OGRF, there has not been a single incident of theft or attempted theft from stocks.

10.2.4 Organisation for Security and Co-operation in Europe (OSCE)

The mandate of the OSCE Mission to Moldova covers broad aspects of the conflict and settlement process. The Agreement on the 'Principles of Co-operation between the OSCE Mission and the Joint Control Commission in the Security Zone', allocates to the OSCE the role of facilitating the JCC to fulfil the aims of the ceasefire

²¹⁶ Interview with General Segeyev, Commander OGRF, Tiraspol.



agreement as well as implementing its monitoring mandate. In regard to SALW control, this specifically involves the following:²¹⁷

- Gathering and presenting information on the situation in the Security Zone, including the military climate, analysing problematic incidents, their causes and possible political consequences, and presenting recommendations for actions to prevent future incidents;
- Provision of consultation and expert services on aspects of the political settlement process, such as the effective implementation of international human rights norms and other international human rights requirements;
- Developing contacts with all sides in the conflict and settlement process, including state institutes and the local population; and
- Assisting the JCC in developing contacts with international and national organisations from Transdniestria, Moldova and Russia, in order to resolve questions arising from peacekeeping operations.

In order to fulfil these obligations, the OSCE has the right to free movement in the Security Zone and to attend JCC meetings and (with prior notification of the JCC) to visit all types of peacekeeping posts and JPKF battalions. The OSCE also has the right to visit locations in the Security Zone other than those related to the peacekeeping mission, upon agreement with the JCC or corresponding institutions.

Of particular relevance to the SALW situation in Moldova is OSCE Permanent Council Decision No. 329, which tasks the Mission with ensuring transparency of the removal and destruction of Russian ammunition and armaments, as well as co-ordinating financial and technical assistance to facilitate withdrawal and destruction.

10.2.5 Transdniestrian security services

The Transdniestrian authorities state that they have adequate administrative capacity to control SALW in the territory under their control. However, it is not possible to verify this, as the Survey team was not able to speak to members of the border guards, police, customs and other relevant field officers during the research for this report. The data that is available, such as low seizure figures and low impact data, points to few problems in these areas, though it is not possible to corroborate this information. In a context of low transparency, large SALW stockpiles and the difficulties that derive from a division of responsibilities between different agencies, it is difficult to judge whether the infrequent occurrence of such incidents (such as seizures) is fully representative of the scale of these problems or whether poor enforcement plays a part.

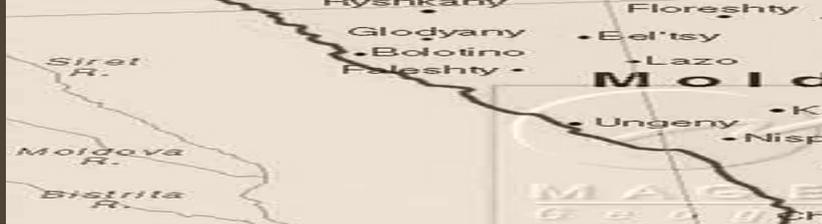
10.2.5.1 The police

The 'Law on Militia' details the circumstances under which the militia have the right to use weapons. All MIA personnel are said to undergo a three-month practical and theoretical training course in weapons at the Tiraspol Legal Institute, which covers both legislation and the use of weapons. In order to possess a weapon, all militiamen must pass the weapons training course. According to the Transdniestrian authorities, militia personnel have a good understanding of the use of force, and the Transdniestrian courts investigate each case of physical injury resulting from the use of a weapon by Militia personnel. Militia personnel are armed with assault rifles when on night duty, at public events, during elections or when the situation between Moldovan Government and Transdniestrian authorities becomes tense.

10.2.5.2 Armed forces

No information was provided on the ability of the armed forces to safeguard its SALW stocks, or their capacity to conduct destructions of surpluses.

²¹⁷ Agreement on the 'Principles of Co-operation between the OSCE Mission and the Joint Control Commission in the Security Zone'.



10.2.5.3 Transnistrian authority for Justice²¹⁸

The Transnistrian Ministry of Justice, which has approximately 250 staff, excluding prison guards, has a number of responsibilities relating to SALW control. These include:

- Responsibility for prisons (but no longer courts);
- Improving legislation;
- Registration of property;
- Publication of legal literature;
- The civil state register; and
- The issuance of licences.

The Criminal Code in force on the territory controlled by the Transnistrian authorities specifies the types of punishment applicable to a range of crimes. Whilst it details suggested minimum and maximum sentences, it is at the discretion of the judiciary to specify the exact punishment, and only the Supreme Court can overrule the sentences delivered by the judiciary. According to representatives from the Transnistrian authorities, the legal provisions governing the use and misuse of weapons are presently 'very strict' and appropriate given the situation, though no specific detail was provided to the Survey team on the nature of the sanctions. According to the MFA and MoJ there is no co-operation in the fields of law enforcement or justice between the MoJs of Transnistria and Moldova.

10.2.5.4 Customs Service

The Customs Service appears to be the least transparent of all the Transnistrian agencies, a situation which does little to counter the accusations of Transnistria's involvement in illegal trafficking.²¹⁹ According to legislation, the Agency's role is to 'ensure economic safety and develop economic interests' while attempting to 'combat contraband, prevent violations of tax laws and stop the illegal circulation of drugs, arms and objects of art' (Article 13). The Agency is charged both with enforcement at borders, and investigating those who breach the Customs Law. Its personnel are equipped with 'weapons, vehicles and radios' (Article 20), but no information relating to personnel strength was available.

10.2.5.5 Interagency co-operation

Co-ordination between the ministries takes place on three levels: regular meetings of the 'Council of Ministers', headed by the 'President'; regular co-ordination meetings between different agencies; and 'frequent' informal meetings. Overall information collection and inter-departmental co-ordinations appears to be good, although reliant on low-level technology.

10.2.6 Moldovan Police

The Moldovan police are not provided with specific training for operations within the Security Zone, although there is arguably a strong need for advanced policing techniques in order to enable police officers to successfully deal with the specific tensions that arise in areas of former conflict. Unfortunately no information was provided to the Survey team of the content of police policies, guidelines or standard operating procedures in use to direct activities within the Security Zone.

²¹⁸ Anatoly Guretsky, Minister for Justice, Ministry of Justice and Nikolai Sopanovic, Deputy Minister, Ministry of Justice, Transnistrian Authorities.

²¹⁹ The agency is directly subordinated to the President, which means that he is able to instruct the agency, with little or no regulatory safeguards. Furthermore, employees of the Customs Agency are guaranteed more privileged conditions for the transport of property and goods. This provision fails to adequately guard against the opportunity for personnel to abuse their position.



10.3 Transparency and accountability

Transparency among the Transdniestrian security services responsible for SALW control is in general very low, particularly with respect to SALW transfers. The Survey team was not provided with any information about the structure of the Transdniestrian security services, their manpower or SALW holdings. Neither was any information provided on the type and number of SALW produced, imported and exported since the Transdniestrian authorities broke away from the rest of Moldova. While the general lack of access to security-related information is a common symptom of conflict situations, in the case of the Transdniestrian authorities it helps to perpetuate and reinforce accusations of SALW production and trafficking. The lack of transparency on the part of the Transdniestrian authorities also ensures that tensions with the Moldovan Government are kept at an elevated level.

10.4 Non-governmental organisations and the media

Non-governmental organisations (NGOs) and civil society in general, are less developed than in the rest of Moldova. As most Transdniestrian NGOs are in some way affiliated with the authorities, they do not provide the public with an independent voice. Those NGOs that are independent are closely scrutinised by the authorities and security agencies and are often subjected to questioning and other forms of pressure. Most NGOs in the Transdniestrian region are involved in social projects, such as HIV awareness campaigns or youth projects, and none are engaged in security issues. This is due to both the continued sensitivity of security issues and the perception that such issues cannot be safely engaged in. Combined with a lack of knowledge amongst Transdniestrian civil society of 'soft security issues', this has resulted in an almost complete lack of civil society engagement with security issues, including those associated with SALW.

For its part, the Transdniestrian media is unable to report on security and SALW issues, without interference. The Transdniestrian authorities control the majority of print and electronic media in the Transdniestrian region, and those in the independent media experience harassment when they criticise the Transdniestrian Government.²²⁰ The nature of reporting on security and SALW issues by the Transdniestrian media is also largely patriotic rather than investigative.

Notwithstanding the above, a small number of Transdniestrian NGOs and media representatives together with participants from the rest of Moldova, attended a two-day awareness-raising course on SALW issues, co-organised by UNDP, SEESAC and Saferworld in mid-2004.

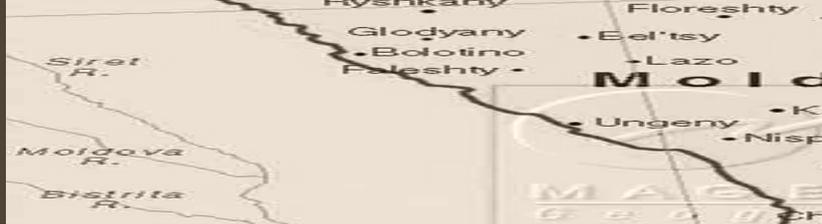
10.5 SALW collection

The only rigorous SALW collection programme to have taken place in the Security Zone followed the ceasefire agreement in 1992. According to the 'Agreement on the Principles for a Peaceful Settlement of the Armed Conflict in the Transdnistria Region of the Republic of Moldova', the JPKF forces are responsible for confiscating illegally held SALW and ammunition within the Security Zone. While no information was provided to the Survey team on the number of weapons and ammunition seized during this period, previous research provides some indicators of JPKF seizures. For example, according to one analysis, during 1992, 600 weapons were confiscated along with over 1,000 grenades and 100,000 rounds of ammunition.²²¹ While the OGRF claims to have destroyed those weapons that were collected by Russian peacekeepers, no detailed information has been provided regarding the fate of SALW seized by the Moldovan and Transdniestrian peacekeepers.

However, all seizures and collections by the Moldovan Government forces or Transdniestrian authorities in the Security Zone are regulated by the JCC. All weapons seized by the militia or the police, or voluntarily surrendered are reported to the Operative Investigative Group, which in turn submits a report to the JCC. The JCC then inspects the weapons before they are transferred to the militia or police. In the case of the Transdniestrian authorities, these weapons are apparently then registered by the Transdniestrian MIA and are consequently, on the basis of a Court decision, destroyed or permanently transferred to the Transdniestrian MIA or MoD.

²²⁰ Freedom House, *Freedom in the World*, 2005.

²²¹ *Op cit*, Mackinlay, J. and Cross, P. (eds.).



Substantial seizures of SALW and ammunition continue to be made in the Security Zone. For example, on 29 April 2004 three boxes, containing 2,800 rounds of 7.62 mm ammunition were discovered in the Bender/Teghina region. A further seizure on the same day included 3,010 units of 5.45 mm ammunition and RGD-5 grenades.²²²

10.5.1 Transdnestrian authorities' collection

Between 1994 and 1998, a payment system or weapons 'buy-back' encouraged voluntary surrender of weapons in the Transdnestrian region. According to the Transdnestrian authorities, during this period, the largest number of surrendered weapons was recorded in Bender/Teghina. Following 1998, criminal liability for illegally owning weapons was introduced. However, under the current legal framework used by the Transdnestrian authorities, if citizens voluntarily surrender their weapons they are not liable for prosecution. Representatives of the Transdnestrian authorities have stated that, at present, there is no need for supplementary weapons amnesties, as only an insignificant number of weapons are left over from the war, and because the trafficking of weapons into Transdnestria is not considered to be substantial.

10.6 SALW destruction

The scale of stockpiles in the territory controlled by Transdnestria pose a far more significant challenge from a SALW control perspective than do the stockpiles thought to exist in the rest of Moldova. With some SALW units thought to date from the 1930s, there appears to be a compelling rationale for destruction. However, there are financial, logistical and political issues connected to the safe destruction of these potentially volatile SALW:

Financial issues: A Voluntary Fund to 'assist the removal and destruction of Russian Military equipment and ammunition from the Transdnestrian region of Moldova' was established in December 1999 under OSCE auspices. The Voluntary Fund is tasked with assisting the Russian Federation to meet the military equipment destruction/withdrawal commitments it made at the 1999 OSCE Istanbul Summit. According to the OSCE Mission to Moldova, the Voluntary Fund has already allocated over € 7.5 million for this assistance and is thought to comprise an additional € 8 million. The Voluntary Fund also finances a Programme Management Cell, established in early 2002 within the OSCE, to ensure both the verification of Russian arms, ammunition and troop destruction/withdrawals, as well as providing technical and financial assistance to the Voluntary Fund. Therefore, it would seem that the financial impediments to destruction are surmountable. Financial resources are also available should the Transdnestrian authorities wish to destroy their SALW (see below). This is, however, unlikely in the near future.

Logistical issues: The very large amount of SALW and ammunition thought to be stored in Transdnestrian-controlled territory poses some physical and logistical challenges. The Russian forces have been under international pressure to repatriate their SALW and ammunition and some such movements have indeed taken place. However, the Russian Command in Tiraspol believes that the land transit of SALW poses a safety risk to civilians, as well as providing the opportunity for interception by armed groups. It therefore prefers to carry out SALW destruction (including the destruction of grenade launchers, sniper rifles, machine guns and pistols) at the Ribnitsa facility where appropriate destruction and recycling equipment exists. No ammunition destruction has ever taken place in Transdnestria, despite attempts to develop ammunition destruction capabilities there. Partly in response to the problems associated with repatriation of stocks, the OGRF developed a project to destroy small calibre ammunition *in situ* in Transdnestria. However, following the breakdown of the political process in 2005 no progress has been made on this progress.

Through the Voluntary Fund, the OSCE has also made available two chambers for the destruction and reprocessing of ammunition from the Colbasna stockpiles: the 'DeMil' chamber, which was delivered to Moldova in April 2002; and the first 'Luthe' chamber, which arrived in June 2002. However, due to the stalled destruction process and lack of access to the ammunitions stockpiles, neither of these chambers has been used and they are now awaiting withdrawal, while the delivery of a second 'Luthe' chamber, scheduled for October 2002, has been cancelled. It

²²² 'Arms Caches Found in Dniester', BBC Monitoring Service/ Olivia Press, 08 May 2004.



is probable that if the political obstacles to the continued destruction of Colbasna SALW and ammunition are not removed, then the Luther and DeMil chambers will be taken out of the country.²²³

Political issues: The political issue is far more complicated. The removal or destruction of the remaining Russian SALW in Transdniestrian is considered sensitive by the Transdniestrian authorities, as they are deemed to provide a security guarantee. The Russian Federation has also limited the scope for further destructions by tying such actions to the conflict-settlement process. Regarding the Transdniestrian controlled SALW, the Moldovan Government does not consider the security needs of the Transdniestrian authorities to warrant the maintenance of armed forces and instead considers all military formations in Transdniestria illegal. According to the Moldovan Government position, these formations should consequently either be disbanded or incorporated into the Moldovan armed forces and the resultant surplus arms destroyed or transferred.²²⁴ For their part, the Transdniestrian authorities maintain that Transdniestria is an independent entity and as such needs to be able to defend itself on both the 'political-diplomatic and the military level'.²²⁵

10.6.1 OGRF SALW and ammunition destruction/withdrawal

Apart from small-scale or unverified unilateral destructions by the OGRF, there have been two major periods of OGRF SALW and ammunition destruction/withdrawal. The first occurred in late 2001, as a result of the December 1999 OSCE Istanbul Summit, while the second phase occurred between March and June 2003, following the extension of the withdrawal deadline at the 2002 Porto Ministerial Meeting. Crucially, the Porto document also included a Russian-introduced clause linking future destruction/withdrawals of ammunition and equipment to the existence of the 'necessary conditions', thus synchronising future destruction programmes with the conflict settlement process.²²⁶ As late as September 2005, the lack of 'necessary conditions' has been used by representatives of the Russian Federation, including the Minister of Defence, as a reason for not withdrawing the OGRF's remaining stockpiles. As a result, withdrawals of Russian ammunition have been sporadic since 2003. It is important to note that there has been much greater transparency on the destruction/withdrawal of OGRF ammunition than SALW. Indeed, while the OGRF has provided basic ammunition stockpile information, it has still provided no information on, nor permitted any independent assessments of, OGRF SALW stockpiles.

10.6.1.1 SALW destruction/withdrawal

OGRF forces claim to have unilaterally destroyed several thousand of the purported 42,000 SALW stockpiled in Transdniestria. It is claimed that these SALW have been destroyed by cutting and are now stored in Tiraspol. The OGRF also claims to have destroyed 70 MANPADSs, due to water damage. Russia maintains that it disposes of SALW in accordance with its own best practice standards, and examples of destroyed weapons were shown to the Survey team. According to the OGRF, all Russian-organised SALW destructions have taken place independently of Transdniestrian destructions (see below), a policy that is coherent with Russia's insistence that all its stocks are clearly delineated from those controlled by the Transdniestrian authorities. However, no proof of the numbers or types of destroyed SALW has been provided to the OSCE.²²⁷ As such, these destructions cannot be confirmed. In addition, the only verified withdrawal of OGRF SALW from Transdniestria has been a shipment of 424 'Igla' MANPADSs in two military transport aircraft on 26 December 2003.

²²³ OSCE Mission to Moldova.

²²⁴ For an examination of the viability of reintegrating the Moldovan and Transdniestrian security structures see, Graur, O. 'The Problems of the Unification of the Armed Forces of the Republic of Moldova and Transdniestria', Dr. Barbarosie, A. and Nantoi, O. (eds.), *Aspects of the Transdniestrian Conflict*, Chişinău, 2004.

²²⁵ Correspondence with G.I.Guska, Transdniestrian MFA. .

²²⁶ OSCE, Tenth Meeting of the Ministerial Council, 06-07 December 2002, Statements by the Ministerial Council, <http://www.osce.org/docs/english/1990-1999//mcs/10porto02e.pdf>, Accessed 14 November 2005. The principle of synchronisation was initially expounded in the October 1994 agreement between Russia and Moldova, which envisaged the complete withdrawal of the 14th Army by the end of 1997. The Russian Duma never ratified the agreement. *Moldova: Regional Tensions over Transdniestria*, ICG Report No. 157, (2004) Chişinău/Brussels.

²²⁷ The OSCE has, upon verification, offered to pay the cost of destroying these SALW. The OGRF Command has so far not taken up this offer. OSCE Mission to Moldova.



The MoD of the Russian Federation previously presented a provisional plan for the withdrawal of the OGRF's SALW stockpiles by air to the OSCE. The plan involved the use of two military transport aircraft to transport the SALW from Tiraspol's airport to Bryansk in western Russia. Although eighty percent of the weapons were reportedly already boxed and ready to go, so far this plan has not come to fruition.²²⁸

10.6.1.2 Ammunition destruction/withdrawal

According to the OSCE Mission to Moldova, in 1999 the OGRF controlled approximately 42,000 metric tonnes of ammunition at the Colbasna depot and approximately 1,500 tonnes at the Tiraspol airport stockpile. In June 2001, representatives of the OSCE Mission, the Ministry of Defence of the Russian Federation and the Transdniestrian industrial complex established a working group to investigate the possibility of industrial reprocessing and disposal of ammunition held at the OGRF Colbasna depot.²²⁹ Out of the 42,000 tonnes, the tripartite working group identified over 26,000 tonnes of ammunition suitable for reprocessing and disposal.

According to the commander of the OGRF, since 2001, 21,172 tonnes of ammunition have been withdrawn to the Russian Federation from their stockpiles. Three trains of ammunition were permitted to leave Colbasna in early December 2001, following the agreement on Russian withdrawals at the 1999 Istanbul Summit. Further, following the Transdniestrian Supreme Soviet Decree requesting that the Transdniestrian authorities 'facilitate' the withdrawal of the remaining OGRF equipment in 2003, more than 16,000 tonnes of ammunition were withdrawn in 31 ammunition trains of 20 fully-loaded railcars.²³⁰ Since December 2003 only one further trainload of ammunitions has been withdrawn from the OGRF stockpiles, and other initiatives, such as the pilot project to transport 'sophisticated' munitions (e.g. guided rockets and missiles) to Murmansk, have not come to fruition. Most of the ammunition withdrawals made from Colbasna were subject to verification and random checks by the OSCE. As a result these destructions, it is estimated that OGRF stockpiles in Transdniestria still comprise approximately 20,000 metric tons. According to representatives from the OSCE, the ammunition could, from a technical point of view, be removed from Transdniestria within a six-month period.

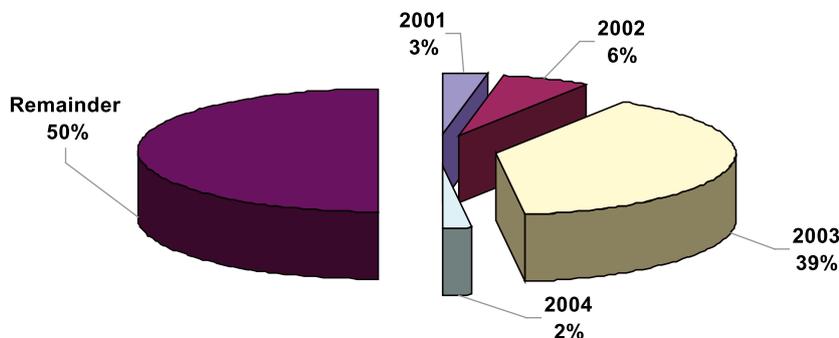


Figure 50: Ammunition withdrawn from the Colbasna military stockpile, 2001–2004
(100% = 42,000 tonnes)
(Source: OSCE Mission to Moldova)

10.6.2 Transdniestrian SALW and ammunition destruction

An extremely small number of SALW and items of ammunition have been destroyed by the Transdniestrian authorities. According to the Transdniestrian authorities the following SALW has been destroyed in the region in the period 1992-2004:

²²⁸ OSCE Mission to Moldova.

²²⁹ Annual Report 2001 on OSCE Activities, 26 November 2001, https://www.osce.org/docs/english/misc/anrep01e_activ.htm, accessed 21 December 2005.

²³⁰ OSCE Mission to Moldova.



ASSAULT RIFLES	PISTOLS	GRENADES	CARTRIDGES	SMOOTH BORE GUNS	HUNTING RIFLES
11	14	567 (F1) 264 (RGD 5) 68 (RPG 18)	54,076	130	35

Table 37: SALW destroyed by the Transnistrian authorities, 1992-2004

(Source: Transnistrian Ministry of Defence)

As mentioned above, the international community has dedicated less effort to the destruction of Transnistrian-controlled SALW and ammunition than to the destruction or withdrawal of OGRF military equipment. This is in part due to the delicate political issues regarding the right of the Transnistrian authorities, as an unrecognised state, to stock and control SALW and ammunition. Several initiatives have, however, been formulated for assisting with the destruction of SALW and the 2-2.5 tonnes of old munitions held by the Transnistrian authorities.

In 2005 it was reported that Ukraine is planning to hold talks with the European Union and the US on the provision of ammunition destruction equipment to the Transnistrian authorities.²³¹ However, the most high-profile initiative to start the SALW destruction process forms part of a package of Confidence and Security Building Measures (CSBM) proposed by the OSCE Mission in July 2004, to facilitate greater contact between the two sides in the conflict and achieve concrete demilitarisation results (see Annex A).²³² Adoption of the CSBM protocols would represent recognition by the two sides of the destabilising effect that uncontrolled and excessive stockpiles of SALW and ammunition pose to both the settlement process and societal safety, and a commitment to take the measures necessary to reduce and control stocks of SALW and ammunition. Crucially, the CSBM opens up the possibility for the Transnistrian authorities to review their SALW and ammunition needs and plan destruction programmes for allocated surpluses.

²³¹ 'Ukraine to help Moldova's rebel region get rid of old munitions', *Interfax*, 19 July 2005.

²³² Although first submitted by the OSCE in July 2004, they have consequently been re-submitted in July 2005 with the additional backing of both Russia and Ukraine.



Annex A: Confidence and Security Building Measures ²³³

The parts of the Confidence and Security Building Measures (CSBM) directly relevant to SALW control are the protocols on 'Small Arms and Light Weapons', 'Ammunition Destruction and Ammunition Stockpile Management' and 'Weapons Manufacturing Facilities'.

The 'Protocol on Small Arms and Light Weapons', on the basis of the OSCE Document on SALW and the OSCE best practice guide on SALW, suggests a range of measures to co-ordinate SALW policy between Moldova and Transdniestria on combating illicit trafficking, licensing and regulating arms producers and brokers, SALW storage and security standards, information exchange and controlling the manufacture of SALW. The SALW protocol also considers means of combating the proliferation of SALW in society through a weapons collection and joint civilian and military destruction programme.

The 'Protocol on Ammunition Destruction and Ammunition Stockpile Management' suggests a range of measures to help facilitate co-operation to address the destruction of ammunition and ammunition stockpile management, including adopting common ammunition destruction projects; common rules for record-keeping and bringing storage policy up to international standards; and common rules for licensing and regulating ammunition producers and brokers.

The 'Protocol on Weapons Manufacturing Facilities' suggests common procedures for conducting inspections of weapons manufacturing facilities and other industrial sites.

These mutually reinforcing protocols are devised to compose a 'working set of documents' that would then be reviewed and amended firstly on a bilateral basis (OSCE-Moldova, OSCE-Transdniestria) and subsequently a trilateral basis (OSCE-Moldova-Transdniestria). A Joint Security Commission, comprised of representatives from the two parties and the OSCE, would then implement the agreed CSBM. The protocols themselves are based upon the CFE-Treaty and the Dayton Accord (Articles 2 and 4) and existing OSCE agreements and commitments. It is important to note that the CSBMs and these protocols do not apply to 'third party forces' operating on Moldovan territory and would not, therefore, apply to the OGRF. Although both sides have expressed an interest in developing the CSBMs, progress on agreeing the CSBMs over a year after their initial presentation remains stalled.

As the OSCE are at pains to point out, the proposed CSBMs are themselves the result of calls by the Moldovan Government and Transdniestrian authorities for confidence building, greater transparency and demilitarisation. This Survey presents a concrete opportunity for progress to be made on the three relevant Protocols, as it provides a resource guide to the present SALW situation, including problems and capacities in Moldova, which can be used to inform practical SALW control measures as part of the CSBMs.

²³³ OSCE Mission to Moldova



Annex B: Control of Air Transfers (SALW)

Moldova has four international airports, although at present only Chişinău is operational. Chişinău presently services ten international cities every day as well as chartered passenger and goods flights. Occasional flights operate from the other airports and in these cases customs will meet the arriving flights. The airports that do not operate at present are potentially functional but not currently commercially viable. The only remaining Moldovan military airport is located at Markaleş. Tiraspol airport is not considered to be an international airport, as it does not have air navigation systems. Further, the Civil Aviation Authority, which certifies all airports and airfields for reasons of security, cannot certify Tiraspol, although military flights have been known to operate.

All international flights wishing to go to Tiraspol should first land at Chişinău and Russian military flights to/from Transdniestria are obliged to notify Moldovan air traffic control in order to enter Moldovan airspace. This is not always the case however. As a result of the concern that low-flying aircraft are involved in smuggling and the Moldovan President's personal interest in air defence and regulation, the Moldovan MoD, which takes responsibility for detecting those aircraft attempting to evade the radar network, is said to be developing a system designed to overcome this problem.

Three companies transfer arms from Chişinău international airport. These companies do not own their own planes, but charter them. Chişinău airport processes approximately 1,500 tonnes of airfreight annually, of which approximately 1% consists of SALW, compared, for example to 3% for cosmetics. Customs at Chişinău airport typically processes between 20 and 30 weapons every two months. Each SALW shipment has to be individually approved by the MIA. SALW cargos arriving by road are in different conditions, in part dependent on their origination – *'The [legal] SALW arriving from Russia arrive neatly packed in wooden boxes. The weapons arriving from Turkey arrive in cardboard boxes not properly secured'*. Customs officers at Chişinău international airport have, they say, never intercepted weapons, although they have intercepted ammunition. The most common items intercepted at the border are gold, large amounts of cash and counterfeit Schengen visas.

Between 2000 and 2005 the Civil Aviation Authority purchased a range of new equipment, including 'Intrascop' metal detectors and X-ray equipment to detect explosives. There are currently fences being put up around the airport and there already exists CCTV on the apron and outside the cargo facilities. The Civil Aviation Authority is also currently implementing 'Aviation Security Programme 149', with help from Israeli experts. The programme is designed to bring airport security up to IAA standards. This should entail equipment upgrades from February 2006 onwards.



Annex C: Legal Aspects of Exports from Transdniestrian Region

The Moldovan Government considers any export from the internationally recognised territory of Moldova that does not bear a Moldovan custom stamp/seal to be illegal trade, or contraband. In contrast to the Moldovan position, international law states that goods from Transnistria may be exported but must not benefit from any preferential tax rates. All products imported by a third country must be defined as 'third country goods' and applied with the highest possible tax rate. The EU and Ukraine both apply this rule. As a result Ukrainian customs and border officials allow cargoes that the Moldovan Government considers illegal to enter/exit Transnistria.

From February 1996 to September 2001, Moldova's stance did not pose a problem to Transnistrian firms wishing to export as they were entitled to use Moldovan custom seals without paying Moldovan taxes. In return the Transnistrian authorities committed themselves to establishing joint Moldovan-Transnistrian customs posts along the Transnistrian-controlled section of the Ukraine-Moldova border and to removing its customs checkpoints from the internal Moldovan border.²³⁴ The Transnistrian authorities did not honour this agreement. As a result, on 01 June 1999, Moldova established 17 permanent customs posts and 30 mobile posts along the internal border with Transnistria and along the international border with Ukraine and, from September 2001, issued new customs stamps and seals conforming to World Trade Organisation (WTO) standards. Transnistrian enterprises were not given access to these stamps/seals unless they were also registered in Moldova.

Although Russia stopped recognising the old customs stamps, Ukraine continued to officially accept the old stamps until Ukraine and Moldova signed a bilateral agreement in 2003, whereby Ukraine committed itself to only allowing the transit of goods marked with Moldovan stamps (a *lex specialis* to international law). However, Ukraine still adheres to international practice rather than this agreement.

Moldova has intermittently increased pressure on the Transnistrian authorities during tense periods by restricting Transnistrian trade. For example, as a result of the 'schools crisis' in mid-2004, the Moldovan Government imposed a further blockade of Transnistrian trade. This included revoking the export licences of two ADGT producers based in Tiraspol.

The Ukrainians expect that the EU Border Monitoring Mission will bring clarity to the issue of what counts as contraband, as Ukraine feels that many Transnistrian exports are perfectly legal and, as members of the CIS, Moldova and Ukraine are obliged to allow this trade.

²³⁴ 'Protocol Decision on Settlement of the Problems that Have Arisen within the Activity of the Customs Services of the Rep of Moldova and Transnistria', 07 February 1996.

Annex D: Focus Group Sample

NO	PARTICIPANT TYPE	NUMBER OF PARTICIPANTS
1FG	Men, inhabitants of Chişinău	6
2FG	Women, inhabitants of Chişinău	12
3FG	Inhabitants of Ungheni	9
4FG	Inhabitants of Comrat	7
5FG	Inhabitants of villages situated near Nester (Cocieri, Cosnita, Molovata -Noua)	9
6FG	Businessmen	7



Annex E: Civil Society Interviews in Transdniestria Sample

NO	SEX	WORK	VILLAGE/ CITY	AREA
1	Male	NGO	Tiraspol	South
2	Female	NGO	Tiraspol	South
3	Male	Journalist	Tiraspol	South
4	Male	NGO	Bender/Teghina	South
5	Female	NGO	Dubasari	Centre
6	Female	NGO	Dubasari	Centre



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