

3.2.3 EUROPE

OSCE OVERVIEW

The OSCE Document on small arms agreed in November 2000 provides the primary framework for implementation of a comprehensive range of measures to address the proliferation of SALW – from export and import control to post-conflict rehabilitation – on the part of OSCE states. As such the implementation of this Document has the potential of contributing quite substantially to the implementation of the UN Programme of Action and the enhancement of international standards and transparency measures in the field of SALW in the OSCE region.

Recent progress

At the beginning of 2004, the OSCE Conflict Prevention Centre (CPC) was tasked to examine the information exchanged by participating states on the implementation of the OSCE Document. This overview enabled the compilation of detailed data on the destruction of surplus or illicit SALW, as well as progress achieved in other areas, including norms and regulations. The information collected provides a good indicator of the progress made to date by OSCE member states in tackling excessive accumulations and the spread of SALW. According to CPC data, in 2001 35 OSCE states destroyed 493,837 units of SALW (367,608 deemed as surplus; 126,259 seized from illegal trafficking). In 2002 the same number of states destroyed 1,113,395 units (934,227 deemed as surplus; 179,168 seized). In 2003, 1,747,264 units were destroyed (1,515,339 were surplus; 231,925 seized). In all, between 2001-2003, 3,354,496 units of SALW have been destroyed by OSCE member states.

The OSCE Handbook of Best Practices

As a result of voluntary contributions by a number of participating states and co-ordinating work by the Conflict Prevention Centre, in 2003, the OSCE Forum for Security Co-operation (FSC) oversaw completion of best practice guides on eight different areas related to the control of SALW. These are:

- controls over manufacture
- marking and record keeping
- controls over exports
- controls over brokering activities
- definitions and indicators of a surplus
- destruction techniques
- stockpile management and security
- small arms measures as part of disarmament, demobilization and reintegration.

For ease of use, the FSC decided to compile these guides into one single reference document: the OSCE Handbook of Best Practices on SALW. Although the best practice guides are not politically binding, they provide useful guidelines to national governments for the implementation of the SALW Document and can contribute to standardise policies and practices across the OSCE region.

Making OSCE commitments operational

In order to make the SALW Document operational, the OSCE has developed and adopted supplementary measures. A framework has been established whereby a state can request OSCE assistance helping the government to address and manage the challenges it has identified, especially those related to the surplus of SALW. In July 2003, Belarus was the first participating state to request

OSCE assistance in destroying surplus SALW and improving its stockpiles management. Later, the FSC assembled a team of small arms experts from the UK, Spain and Switzerland who, between December 2004 and March 2005, conducted four visits to Belarus in order to assess national SALW stockpile storage facilities and determine the viability of assistance programmes. Another two requests for assistance came in 2004 from Tajikistan²⁷ and Kazakhstan. To date, three assessment visits have been conducted in Tajikistan, while the preparatory work for the Kazakh request is in progress.

In 2002, the OSCE began to address the security risk arising from stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction in the OSCE area. The FSC devoted a major portion of its agenda in 2003 to addressing this concern and in December 2003, the Maastricht Ministerial meeting endorsed the OSCE Document on Stockpiles of Conventional Ammunition. This new instrument provides practical procedures for the destruction of all categories of conventional ammunition stockpiles, including SALW ammunition, and upgrading stockpile management and security measures. The Stockpiles Document, as it is more commonly known, also establishes a mechanism that allows participating States to request international assistance to either destroy or better manage and secure these stockpiles.

SALW export control developments

OSCE participating states have undertaken additional efforts with regard to arms export control and export documentation. During 2004, the FSC adopted three decisions covering different areas of SALW export control policy. In May 2004, the FSC adopted Decision No. 3/04 on the 'OSCE Principles for Export Control of man-portable air defence systems MANPADS'. This document, which draws from the Wassenaar Arrangement's 'Elements for Export Controls of Man-Portable Air Defence Systems', calls upon participating states to implement effective and comprehensive controls on the export of MANPADS, including components, spare parts and training systems. Decisions to permit MANPADS exports must take into account the recipient country's ability "to implement effective storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks..." The Decision also commits participating states to report transfers of MANPADS using the OSCE SALW document's information exchange mechanisms.

A second Decision (5/04) on Standard Elements for End-User Certificates and Verification Procedures for SALW Exports, adopted on 17 November 2004, deals with the content of end-user certification provided prior to the approval of an export-licence for SALW (including SALW manufactured under licence) or the transfer of related technology. The Decision contains a list of standard elements of EUC and verification procedures for SALW exports.

The third Decision 8/04 adopted on 24 November 2004 sets out OSCE Principles on the Control of Brokering in SALW. Building upon UN, OSCE, EU and Wassenaar Arrangement documents, OSCE member states agreed measures to control brokering activities taking place within their territory, as well as to consider brokering activities carried out by national citizens operating from third countries. As a concrete measure, the Decision calls for the adoption of appropriate national legislation, or ensuring that the existing requirements are in conformity with the agreed principles.

Since 2002, the CPC supported by the OSCE participating states has implemented several projects aimed at combating cross-border trafficking of SALW, with the main emphasis put on both internal co-ordination between different governmental agencies and international co-operation between states sharing a common border. During 2002-2004, training programmes covering all aspects of illegal cross border trafficking were organised for law enforcement officials on the Uzbek-Afghan, Uzbek-Kyrgyz and Uzbek-Tajik borders.

²⁷ As many as 20,000 units of SALW collected in the post-civil war period need to be expeditiously destroyed due to very poor storage facilities and the risk they pose to surrounding residential areas (some of which are located just 100 metres from the storage sites).

Increasing transparency

As none of the OSCE decisions on SALW are legally binding, effective information exchange and transparency by member states is vital in ensuring that the commitments entered into at the political level are implemented in practice. The main mechanism for increasing transparency as part of this initiative is the annual exchange of information among participating states, which, if used properly, can be a useful working tool assisting the implementation of the SALW Document. Progress has been made over the past four years in establishing common formats for the information exchange, including the preparation in 2002 of a set of templates designed to assist participating states in preparing their national submissions in a more standardised format. However, increasing the yield of the information exchange and enhancing the comparability of national submissions remain a challenge, with the quality and scope of reporting continuing to vary from country to country.

NATIONAL IMPLEMENTATION IN THE WIDER EUROPE REGION

In order to adequately implement the PoA states should put into place the necessary foundations for co-operation, information exchange, and national co-ordination. Thus 48 states have established an official point of contact (Section II, Para 5) to act as liaison between states. Seventeen have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, 4 actively involve civil society in their national co-ordination of action on SALW. One has developed national strategy on small arms, although more are underway. Additionally, 42 have submitted at least one report on national implementation to the UN DDA.

Laws and Procedures

The PoA contains a number of commitments by states to have laws and procedures on many key aspects of SALW. In particular, in order to establish effective basic controls over the production and transfer of SALW (Section II, Para 2):

- 40 states have laws and procedures controlling the production of SALW
- 44 states have laws and procedures controlling the export of SALW
- 44 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12)
- 35 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 25 states have laws controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of the various EU and OSCE SALW agreements. At a national level 36 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

In line with rudimentary commitments in the PoA to criminalise illegal possession, manufacturing, trade and stockpiling of SALW (Section II, Para 3):

- 41 states have laws and procedures criminalising the illicit possession of SALW
- 38 states have laws and procedures criminalising the illicit trade in SALW
- 37 states have laws and procedures criminalising the illicit manufacturing of SALW
- 17 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 21 states have reviewed at least some of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing since 2001. As with controls over international transfers of SALW, the scope

and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of the various EU and OSCE SALW agreements.

Weapons management

Much of the illicit trade in SALW stems from inadequate control over weapons and ammunition stocks. Thus the PoA contains a wide range of commitments relating to weapons management. Of the states in the region:

- 41 have standards and procedures for the management and security of stockpiles (Section II, Para 17)
- 30 of these include regular reviews of stocks (Section II, Para 18)
- 11 states have reviewed their standards and procedures for the management and security of stockpiles since 2001.

Further reduction of the stocks potentially available for illicit trafficking is achieved through the disposal of surplus, collected, and confiscated weapons and ammunition. Thus, within the region:

- 15 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 16 states have destroyed some confiscated, seized, and/or collected SALW since 2001 (Section II, Paras 16, 21).

While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal:

- 7 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 13 states have a policy of destroying most or all collected and/or confiscated SALW. (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 18 states have conducted some form of disarmament, including:

- 5 post-conflict DDR (Section II Para 21)
- 9 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 16 amnesties; (Section II, Para 20)
- 3 forcible disarmament programmes.

In order to enhance the traceability of weapons (and in some cases ammunition) states undertook a range of commitments related to marking, record-keeping, and tracing:

- 23 require that all SALW are marked as an integral part of their manufacture (Section II, Para 7)
- 22 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 32 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 15 actively co-operate in tracing (Section III, Para 11).

International Co-operation and Assistance

The PoA contains a wide range of commitments to assist other states' implementation, and to co-operate with civil society. In the wider Europe:

- 14 states have provided some form of donor assistance to SALW-related projects
- 22 states actively co-operate with civil society.

THE EUROPEAN UNION

OVERVIEW

The EU has always been one of the major supplier regions of SALW. However the accession of 10 new members in May 2004, enlarging the sub-region to a total of 25 states, further increased EU potential in this regard. Effective export controls are therefore a priority in order to prevent undesirable SALW proliferation and, to this end, the EU has continued to develop its arms export control system over the past several years. A number of key policy instruments that aim to combat various aspects of SALW proliferation and misuse have been developed and strengthened, chief amongst them the Common Position on Arms Brokering²⁸ and the EU Code of Conduct on arms exports.²⁹ However, whilst the EU has made undoubted progress in the area of SALW control, much remains to be done in terms of increasing transparency, effectively controlling arms exports and closing remaining gaps in controls.

EU countries are also major donors supporting small arms reduction projects in other regions. The 1999 Joint Action on small arms (revised 2002) provides a framework for this but the absence of a clear strategy for its implementation means that its full potential has not been reached.

EU Code of Conduct of Arms Exports

The EU Code of Conduct (Code) was adopted in 1998 setting out eight criteria governing national arms export licensing decisions and including a set of Operative Provisions that set parameters for implementation of the Code. The eight criteria cover a range of concerns including human rights, internal and sub-regional stability, risk of diversion and sustainable development that member states must take in to account when making export licensing decisions. The twelve Operative Provisions mandate a number of procedures for implementing the Code criteria effectively. For instance, provision 2 calls on states to consult each other on licence denials and provision 7 focuses on ensuring the Code works within the wider sub-regional context in order to encourage convergence of arms export control policy among member states.

The Review of the Code

In late 2003, the first official review of the Code was announced. Though the review was expected to end by the beginning of 2005, at the time of writing (May 2005) the process remains ongoing (albeit apparently near completion). According to the Sixth Annual Report by the EU Council: 'the Code will be significantly reinforced by including several new elements in the text, most notably: brokering, transit/transshipment, licensed production overseas,³⁰ intangible transfer of software and technology, end-user certification and national reporting.'³¹ In addition, it is understood that an amendment to Criterion 2 on human rights will now include explicit reference to International Humanitarian Law as set out by the Geneva Convention so as to ensure export licensing decisions are assessed according to existing legally-binding provisions.

While these are all positive developments, the Review appears to have significantly missed a crucial opportunity to address the broader weaknesses within the Code itself and to develop and further enhance associated control apparatus.³² Additionally although there were some contacts among member states, civil

²⁸ Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering http://europa.eu.int/comm/external_relations/cfsp/sanctions/468.pdf

²⁹ http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf

³⁰ Licensed production overseas is a process whereby a company in one country allows a second company in another country to manufacture its products under licence.

³¹ Sixth Annual Report according to Operative Provision 8 of the EU Code of Conduct on Arms Exports, General Affairs and external relations council, 22 November 2004, p6 <http://www.sipri.org/contents/expcon/codereport6.pdf>

³² Taking Control: The case for a more effective EU Code of Conduct on arms exports, Saferworld, Chapter 1 <http://www.saferworld.org.uk/publications/Taking%20control.pdf>

society and Parliament regarding the nature and context of the Review, it was disappointing that no formal consultation process was established to enable interested observers to feed into the Reviews.

Other developments

As of 1 January 2004 the User's Guide, a document aiming to clarify member state's responsibilities for the implementation of some of the operative provisions of the Code, came into force. The User's Guide, which was recently updated and improved on 23 December 2004, seeks to clarify Member States' responsibilities on the denials system, licensing practice, transparency, adherence to the Code and the EU Common Military List. The Guide is a welcome elaboration to the Code and has already led to the development of more useful information exchanges and a stronger understanding of Code application on the part of individual member states.³³ A central database, managed by the EU Council Secretariat, has also been developed in order to log all denials issued as well as the details of bilateral consultations between member states.

Another important development that is taking place is the introduction of a post embargo "toolbox," which is to incorporate 'a set of temporary procedures which could be applied vis-à-vis countries with respect to which the EU has decided to lift an existing embargo'.³⁴ The toolbox - which has not yet been formally agreed - is understood to contain a number of mechanisms including information exchanges on licences granted and the requirement by member states to discuss any changes in arms export policy vis-à-vis the post-embargoed country at the Ministerial and the EU Council level. While establishing additional information exchange procedures to recently embargoed countries is welcome, it is important that the toolbox also contains mechanisms to ensure particular caution when assessing export licence applications in post-embargo circumstances and to ensure periodic reviews take place to assess the impact of lifting the embargo.

Outreach

In a welcome development, the EU has endeavoured to increase the level of outreach initiatives undertaken in respect of arms export controls in EU Accession, Candidate and neighbouring states. In 2004 Member States reached agreement on a mechanism to improve the co-ordination of such outreach activities on the Code and throughout 2004, successive Presidencies and a number of member states organised joint outreach seminars. For instance, in Prague in December 2004 the Netherlands Presidency and the Czech Government organised a workshop on EU Code outreach for accession states. In addition, outreach has benefited from the knowledge of the new member states who have direct and recent experience of the difficulties and challenges states face in incorporating aspects of the Code into national export control systems. Member states should seek to draw on this experience and lessons learned to better co-ordinate and provide outreach activities for relevant non-EU states.

EU Common Position on Brokering

In June 2003, the EU adopted a Common Position on arms brokering, whereby member states are required to 'take all the necessary measures to control brokering activities taking place under their territory.' The Common Position reflects a growing recognition of the dangers and serious consequences of unregulated arms brokering and stipulates the establishment of a licensing system for arms brokering transactions as well as a provision for information exchanges on *inter alia* denials of brokering licence applications. The Common Position is welcome as it provides a sub-regional policy framework. However,

³³ It should be noted, however, that the User's Guide has not taken into account differences in national procedures such as the issuing by some states of informal or 'pre-licensing denials'. It is yet to be seen if or how this problem is affecting the integrity of the denial notification system.

³⁴ Sixth Annual Report, p3

it only provides basic standards of control, it does not set a timeframe by when member states ought to have implemented the binding provisions, and it controls only a very few of those actors involved in arms brokering. Furthermore, if the Common Position is to become an effective instrument to regulate arms brokering, the provisions relating to the issue of extraterritoriality (where brokers conduct activities outside their country of residence) will need to be strengthened so that all member states are required to exercise controls in respect of nationals and foreign residents who are arms brokers, regardless of where they operate. To date, 18 EU Member States have incorporated brokering controls into their national legislation.

EU Joint Action on small arms

On 12 July 2002, the EU Council replaced the 1999 Joint Action on the EU's contribution to combat the destabilising accumulation and spread of SALW with a new version. Under the Joint Action, EU member states are committed to countering the destabilising accumulation and spread of SALW, to contribute to the reduction of existing accumulations of these weapons and related ammunition, and to help solve the problems caused by such accumulations. The 2002 Action was revised from the 1999 version to ensure that "ammunition" was included within the remit, thereby recognising the role of ammunition in conflicts affected by SALW.

In order to illustrate progress on implementation of the Joint Action, the EU Council publishes an annual report that details activities in respect of the Joint Action and also of the 1997 EU Programme for Preventing Illicit trafficking in Conventional Arms. These reports review relevant actions taken in member states, financial and technical assistance provided by the EU and member states, as well as their participation in international and regional forums on SALW controls. However, the reports appear mainly to act as an umbrella for any and every SALW activity undertaken by member states individually or as a sub-region throughout the year. It is also significant that the final section in each report, focusing on developing a systematic approach to EU assistance, varies little in content from year to year and is no more specific than the Action's objectives. As a result and despite its potential, the Action appears uncoordinated and disparate in nature. It is important that an overall strategy with clear and specific thematic and sub-regional priorities is developed outlining how member states – individually and jointly – intend to fulfil the objectives of the Action.

National implementation of the PoA

EU Member States have adopted a range of measures and undertaken a variety of activities which constitute implementation of PoA commitments. Firstly, following agreement on the EU Common Position on arms brokering a number of EU states have adopted new brokering controls, such as Belgium in March 2003 (see below), Malta in November 2003 and Slovakia in 2004. Other significant developments included:

- the governments of Slovenia, Slovakia, Hungary, Latvia and Poland updating their national arms legislation to bring it in line with the EU standard
- the Government of Netherlands increasing transparency on export licence decision making by publishing, online, a monthly overview of export licences granted, beginning November 2004
- the Czech government publishing its first Annual Report on Controls of Transfers of Military Equipment Production, Export and Import of SALW in December 2004
- the Finnish government launching a weapons amnesty in January 2004 for the purpose of collecting unregistered firearms.

Many EU countries continued to provide donor assistance for SALW control work, although systematic information on EU programmes is not always readily available. Some examples of recent assistance include:

- the Netherlands government support for collection and destruction of illegal weapons and ammunition in South East Europe, Afghanistan, the Great Lakes and Horn of Africa
- Danish government support for DDR process in Sierra Leone between 2001-2004 and in Liberia (through UNDP) for the period of 2004-2006
- German government support for projects run by local NGOs working on SALW reduction in Angola and Cambodia
- the UK government allocating £13.25 million to support initiatives to control and reduce the supply, demand and availability of SALW between 2004 and 2007.

EU Civil society

NGOs in the EU are active on all aspects of SALW and are working individually, sub-regionally and internationally to promote issues such as: SALW transfer controls, conflict prevention, research, public awareness-raising, government lobbying. Many NGOs in EU states - including Austria, Sweden, Spain, UK, Italy, Czech Republic and Slovakia - have worked together or established working groups to pool their expertise and resources on small arms initiatives. For example:

- Swedish NGOs recently worked together to lobby their national government to reject proposals for a less stringent export control system.
- the Czech Working Group on Arms have focused on increasing transparency in arms exports policy and practice in their national government. Their efforts were rewarded by the Government's first annual report on arms exports in late 2004 of which the working group has produced a detailed analysis.
- Austrian NGOs have been working together to amend and strengthen national legislation on regulating SALW licensed production overseas and to increase transparency on national arms exports policy and practice in general.

NGOs across the EU have also co-operated together in order to call for sub-regional changes to the EU Code of Conduct on Arms Exports and to call for tighter regulations on SALW and related equipment exported from the EU.

UK SNAPSHOT: ARMS BROKERING CONTROLS AND DONOR ASSISTANCE

The UK is in compliance with all of the principal aspects of the PoA and continues to provide significant support to programmes for the control of small arms proliferation in Europe and further afield.

At the national level, a new Export Control Act came into force in 2004. This legislation introduces new controls on arms brokers, with all deals conducted in the UK now requiring a licence in accordance with the criteria in the EU Code of Conduct. The legislation has a limited extra-territorial reach - covering UK brokers operating overseas for transfers to embargoed destinations and for transfers of torture equipment and long-range missiles. Thus there is a significant loophole in the legislation in that UK brokers operating overseas are not required to obtain a licence for transfers of small arms and light weapons

Within Europe, the UK has provided assistance for the development of national export controls systems based on the EU Code of Conduct. For instance, prior to EU enlargement in May 2004 the UK held outreach workshops in Estonia and Slovakia for many of the 10 accession states. Since then the UK has actively provided export control outreach to European countries including Albania, Belarus and Serbia.

Further afield, the Global Conflict Prevention Pool – a joint initiative of the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development (DFID), and situated within the latter – has allocated £13.25 million, to control and reduce the supply, demand and availability of SALW between 2004 and 2007. The funding will provide substantial assistance to projects involving UN agencies, regional and sub-regional organisations, governments and NGOs that seek to combat the proliferation and misuse of small arms around the world. Thus far, the UK has provided support to several weapons collection, management and destruction programmes. For instance, since 2003 the Global Conflict Prevention Fund and the UK Foreign Office Small Arms Destruction Fund has funded weapons destruction in Latin America, East Africa, the Caribbean, Southern Africa and Eastern and South Eastern Europe – including funding a small arms destruction programme in Mozambique in October 2004 and supplying a small arms destruction machine to Jamaica in November 2004.

NGOS RESPOND TO EU CODE OF CONDUCT ON ARMS EXPORTS

In late 2003 EU member states announced the first review of the text of the EU Code of Conduct of Arms Exports. In addition to purely national responses at the national level, NGOs undertook a concerted response at the level of the EU. This included producing in September 2004 a report, endorsed by 55 NGOs from around the Union, entitled *Taking Control: the Case for a more effective EU Code of Conduct on Arms Exports*, which set out the NGO vision of what the new EU Code should consist of, and holding an EU-wide conference, attended by representatives from governments and civil society to discuss the various proposals being considered. As a direct consequence of representations made at the conference, governments agreed to strengthen the references to international humanitarian law in the EU Code criteria.

GERMANY SNAPSHOT: RESTRUCTURING OF ARMED FORCES AND DESTRUCTION OF SALW

The German government is in compliance with all of the main provisions of the PoA and has worked with other governments in the EU, the OSCE and the UN to strengthen and develop SALW controls regionally and internationally. Since reunification, Germany has reorganized its armed forces and adapted its holdings of armaments and equipment to the requirements of the new state. To this end, between 1990 and 2004, more than 1,7 million surplus SALW have been destroyed by the Federal Armed Forces. In the beginning the weapons concerned were mainly weapons of the National People's Army (*Nationale Volksarmee*) of the former German Democratic Republic. However, a recent modernisation programme has added further to this surplus.

As a result of the ongoing defence cuts and the downsizing and modernisation of the Federal Armed Forces, a large number of small arms are becoming redundant. In the year 2002 alone, approximately 200,000 G3 rifles were declared surplus. Accordingly, a large-scale destruction process was initiated in July 2002, when approximately 58,000 G3's were destroyed in public, near Heilbronn in Baden-Württemberg, Germany. The Government announced that by 2007 approximately 400,000 G3-assault rifles will become surplus and will gradually be destroyed.

Destruction is the main means used by federal and state police forces to dispose of surplus stocks, with cutting the preferred destruction method. However, in the case of rare weapons, these are collected for the purpose of education and training of federal and state police forces. As for pistols of calibre 9 mm x 19 mm, sale to authorized dealers is permissible.

Interoperability within NATO permits the sale of surplus SALW to NATO countries. However, such sales have not occurred in recent years. In addition, SALW seized or confiscated by the Federal Armed Forces

outside of Germany during operations under NATO, EU or UN control were destroyed and continue to be destroyed, either through NATO, EU or UN forces or through local authorities. A federal database is under construction, which will collect details on SALW, which have been disposed of, i.e. transferred, destroyed, or sold.

Although seen as a priority issue for countries emerging from conflict, it is important that all states consider their potential requirements for destroying surplus SALW and, where necessary, seek international assistance in this regard.

FINLAND CASE STUDY: NEW ARMS BROKERING LEGISLATION, REVIEW OF DOMESTIC FIREARMS REGULATIONS, WEAPONS AMNESTY AND SUPPORT FOR SALW INITIATIVES ABROAD

Finland would appear to be in compliance with all of the principal obligations set out in the PoA. Many of Finland's legal and administrative provisions relating to SALW control are well established. However, in 2002 Finland adopted new legislation on the control of arms brokering with an extra-territorial dimension (see below).

In terms of civilian ownership Finland has the highest number of small arms per capita in Europe, and the third highest in the world. The total number of legally owned small arms, of which the majority are hunting guns, is approximately 1.6 million, the total population being 5.3 million. A consequence of this relatively high level of gun ownership compared to other West European countries is that rates of gun deaths are also much higher. For example the total gun death rate per 100,000 population in Finland is 3 times higher than Germany, 2.2 times as higher than Italy and 2.1 times higher as Sweden. Despite this, the media in Finland do not appear to devote much attention to the issue of gun violence.

New arms brokering legislation

New arms brokering legislation came into force in Finland on December 2002. The new provisions on controlling arms brokering were incorporated into the existing Act on the Export and Transit of Defence Materiel (1990, amendments up to 2002). The same controls now apply to brokering as to the export and transit of defence material. Each brokering transaction is subject to licensing by the Ministry of Defence and the criteria by which licence applications are assessed are the same as in export or transit. These national criteria include the EU Code of Conduct and OSCE Guidelines, relevant international commitments, and international arms embargo decisions (by the UN, EU or OSCE). The licensing requirement applies not only to brokering activities taking place on Finnish territory but is also extra-territorial in scope: the controls apply whenever the broker is a Finnish citizen, a Finnish legal entity or a Finnish resident even if a brokering transaction takes place outside Finnish territory. According to the Ministry of Defence, Finland is planning to set up a register of arms brokers and the relevant legislation in this regard is under preparation.

Finland's brokering controls cover all defence materiel including the items on the Wassenaar Munitions List and the EU Common List of Military Equipment. However a significant loophole exists in that the legislation does not cover civilian firearms and ammunition. These weapons are controlled by the Firearms Act which, as yet, has no provisions for regulating firearms brokering.

Review process of the Firearms Act

The Firearms Act of 1998 (amended 2001) regulates the acquisition, ownership and storage of firearms by civilians. In addition it covers the import, export, transfer, transit, and the domestic manufacture and trade in firearms, as well as regulating commercial shooting ranges and training in firearms. In line with

the list of firearms set out in Annex I of the EU Firearms Directive³⁵ these regulations prohibit civilian ownership of military small arms including automatic firearms, weapons such as grenade launchers, mortars, breech-loading cannons, missile and rocket-launcher systems as well as firearms disguised as another object. In special cases, authorized and well-established gun collectors may be granted a license for acquisition of, for example, a Second World War type machine gun. These special permits are granted by the Gaming and Weapons Administration on a case by case basis, and storage facilities are then checked to be adequate by the police.

Since the late 1990s Finnish firearms legislation has been fully reviewed in two phases. The first phase, prompted by the entry into force of the EU Firearms Directive, saw the Firearms Act established in 1998. The second phase of the full review in 2001 was prompted by the recognition of the need to strengthen particular aspects of the legislation as follows:

- storage regulations were tightened: the main channel for criminals to acquire weapons is to steal them from private homes or gun stores or their storages. Therefore special attention has been paid to storage regulations.
- communities and foundations were given the right to acquire firearm licenses.
- deactivated, imported firearms or their parts should be presented to the police within 30 days of import: in the EU there had been numerous cases where deactivation had been done poorly on purpose to acquire weapons for illegal use.
- commercial shooting ranges and shooting training require a license, and these facilities were placed under regular police inspection.

An administrative change also took place when the Gaming and Weapons Administration and the Firearms Board were established in January 2001 under the Police Department of the Ministry of Interior. The Weapons Administration is responsible for licensing matters that were previously handled by the State Provincial Offices of the Finnish regional authorities. It is also responsible for licensing commercial firearms import, export, transfer and transit in and from Finland. The Firearms Board is a co-operative body for various stakeholders and authorities, for example giving statements on implementation of Firearms Act.

In a process connected to the ongoing review of criminal law in Finland, regulations concerning firearms offences or aggravated firearms offences are to be collected into the revised criminal law. Although there will be no factual changes in the punishments or the level of punishments, since changes due to collection of the regulations under criminal law are only technical in nature, the Finnish government believes that inclusion of these laws into criminal law will further emphasise their seriousness.

Finnish weapons amnesty

In addition to the large numbers of legally-held weapons in civilian hands, there are also considerable numbers of unlicensed, illegal small arms in existence in Finland. The Ministry of Interior estimated in 2001 that the number was between 50,000 and 100,000 but more recently have stated that the number is considerably lower. Most of these are hunting guns, but there are also military weapons and ammunition mostly originating from Second World War. Typically these weapons or ammunition have been in the household for a long time, through inheritance for example, and long forgotten.

Since January 2004, to reduce the number of unlicensed and therefore illegal small arms in civilian possession, a permanent gun amnesty has been in place.³⁶ Those in possession of unlicensed firearms,

³⁵ Council Directive 91/477/EEC of 18 June 1991 <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31991L0477:EN:HTML>

³⁶ The amnesty was realised by making necessary amendments to Firearms Act, Criminal Law and Police Act. Before 2004 it was not possible to hand illegal guns without punishment, and no national level amnesty policy had existed. However, a number of informal local gun collection campaigns had been carried out by local police departments.

their parts or ammunition can now return these items to police without punishment. Anyone surrendering an illegal weapon has three months in which to look for a buyer of the weapon; in the event that a buyer is not found, the police will undertake this task on their behalf. Regular auctions are held in order to sell surrendered weapons that have a trade value, and these weapons are then licensed to the new owner. The bulk of the proceeds of such sales are returned to the person surrendering the weapon, minus an administration fee. Those weapons that have been used in relation to a crime are kept by the police and not returned to the market. Ammunition and items without commercial value are destroyed.

The policy of allowing the sale of surrendered guns was established as an incentive to encourage gun owners to return their illegally-held arms. Whilst this policy has not, as yet, been vocally opposed by large sections of the Finnish public, in March 2005, the parliamentary group of Green Party issued a parliamentary question to the government, arguing that this policy is not constructive in terms of public security. At the time of writing the question is not yet answered. International good practice is to destroy illicit weapons that are handed into the police to prevent them from re-entering circulation.

Donor assistance and international co-operation to tackle SALW

The Finnish government is active in its support for SALW projects overseas and has made an important contribution to projects in the wider Europe, Africa and in Latin America including:

- support to the voluntary fund of the OSCE in Georgia amounting to €25,000 in order to give assistance to communities that voluntarily hand over arms and €800,000 for developing and maintaining ammunition destruction facility in Dedoplistskaro. Finland has also pledged a total of €260,000 to the OSCE mission to Armenia for destruction of rocket fuel (melange).
- support, totalling €825,281 for the UNDP Arms Control Programme in Albania including public awareness and information on SALW, development projects, logistic support to a weapons collection team and a pilot database project for weapons control. Finnish support has included the secondment of a small arms expert to serve as an International Technical Expert for the programme for 2002-2003.
- support totalling €504 564 to the Small Arms Transparency and Control Regime programme in Africa which includes the following countries: Gabon, Chad, Ghana, Mali, Togo, Kenya, Rwanda, South Africa and Zimbabwe. The project aims at strengthening the state capacity in the prevention of proliferation of small arms by developing methods for tracing and marking, making efforts to harmonise legislation concerning small arms, improving stockpile management and by developing monitoring and verification in order to ensure compliance. The project is administered by the UN Centre for Peace and Disarmament in Africa.

BELGIUM SNAPSHOT: ARMS BROKERING CONTROLS

In general terms, Belgium appears to have a good level of implementation, particularly of the transfer control aspects of the PoA. In this respect, in March 2003, Belgium adopted new controls on arms brokering that are among the most comprehensive in the world. The 1991 Belgian law on the Import, Export, Transit and Combat against Trafficking in Arms and Ammunition underwent significant amendment. The amendment, which entered into force on 7 July 2003, introduced wide-ranging controls on arms brokering activities and integrated into Belgian law the principles and criteria of the EU Code of Conduct on Arms Exports. The legislation established a national register, in which all Belgian persons and entities wishing to trade arms and ammunition must be listed in order to act as a broker. Individual brokering licences must then be applied for on a case-by-case basis, with the same assessment criteria applied to brokered transactions as to direct exports. Foreign residents and dealers in Belgium as well as Belgian nationals are required to apply for a licence to negotiate, export or deliver abroad, or possess

to this end, military equipment, or intervene as intermediary in these operations. A license is required regardless of the origin or destination of the goods or whether or not the goods enter Belgian territory. Furthermore, competence is claimed over persons accused of having violated this law outside Belgium if the accused is found on Belgian territory.

However, just one day later (8 July 2003), the Federal Government undermined this major legislative advance by devolving arms transfer licensing decision-making powers to the three Belgian regions (Région Bruxelles-Capitale, Région Wallonne and Vlaamse Regering). This is of concern for several reasons. There is, for example, the fear that local economic pressures could be given undue weight when license applications are being considered; that regional authorities do not have the expertise necessary to effectively regulate defence exports as required by law; and that different regions within Belgium could develop contradictory export policies. These fears are underlined by a recent preliminary authorisation by the Région Wallonne Government for the export of ammunition-making machines to Tanzania, a decision openly criticised by the Belgian Federal Minister for Foreign Affairs as contrary to the peace efforts of the Federal Government in the Great Lakes region.

HUNGARY SNAPSHOT: DEVELOPMENTS IN LEGISLATION

Hungary has made good progress in implementing the PoA and has been particularly active in terms of adopting tougher legislative controls. In 2004, it tightened its export, transit and brokering controls through the adoption of the Government Decree 16/2004 on the licensing of the export, import, transfer and transit of military equipment and technical assistance, which took effect 1 May 2004. Hungary has made the EU Code of Conduct legally binding by incorporating it into its national law. The Decree has also established an Inter-ministerial committee on Foreign Trade in Military Equipment. In the same year it adopted the new Firearms and Ammunition Act No. 24/2004, which entered into force on 01 May 2004. The Act has introduced tougher controls on civilian possession by updating the licensing procedure and standardised its provisions on marking.

NGO WORKING GROUPS ON ARMS EXPORTS IN CENTRAL EUROPE

In response to historical concerns regarding a number of countries of the sub-region as sources of arms proliferation, NGOs working in some central European countries have taken steps to increase co-operation and build expertise about arms exports. In Czech Republic and Slovakia, coalitions of NGOs have set up Working Groups to lobby governments and raise public awareness about the issue, while a similar group is currently being established in Poland. The Groups have promoted comprehensive legislation in keeping with international best practice, encouraged effective implementation of national legislation and international commitments and championed greater transparency. The Czech Republic in December 2004 became the first of the new EU member states to publish a national report on arms exports, while in Slovakia an initiative obliging the Slovak Government to do the same has just been introduced into parliament with strong cross-party support.

SOUTH EASTERN EUROPE

OVERVIEW

The illicit proliferation and misuse of SALW in the South Eastern European sub-region presents significant problems. The ending of the Bosnia and Kosovo conflicts has given rise to the widespread availability of SALW throughout the sub-region. This has fuelled crime and insecurity, has prolonged and

worsened conflict there, and continues to frustrate efforts to build peace and achieve sustainable development. Until the SALW problem is effectively brought under control, the potential for economic and social growth and development will continue to be limited.

South Eastern European states are party to, or aligned with, a number of regional and international agreements pertaining to SALW. These include, variously, the OSCE Document on SALW (2000), the EU Stability Pact's Regional Implementation Plan on SALW (2001), in some cases the UN Firearms Protocol,³⁷ and the EU Code of Conduct on Arms Exports (1998) to which some states have voluntarily aligned themselves. These agreements, and the forums that support their implementation, are complementary to, and more detailed than, the PoA in two senses. Firstly, the PoA highlights the important role regional organisations can play in assisting with national implementation and in addressing sub-regional concerns. This is reciprocated by the Stability Pact Regional Implementation Plan (RIP), which envisages translating regional and international measures, including the PoA, into an implementation plan relevant to the specific challenges facing SEE countries. Secondly, elements of the above agreements overlap with those contained in the PoA, allowing certain measures (e.g. weapons collection) to be undertaken in line with more than one agreement.

Sub-regional Initiatives

As noted in the 2003 Report, the Stability Pact for South Eastern Europe was adopted in June 1999 as a means of promoting a comprehensive conflict prevention and peace-building strategy for the sub-region. In November 2001, following consultations with the NGO-driven 'Szeged Small Arms Process',³⁸ the Stability Pact adopted a Regional Implementation Plan on Combating the Proliferation of SALW (RIP) to develop a co-ordinated regional approach to tackling the excessive and uncontrolled circulation of SALW.³⁹

The RIP provides a structure for advancing practical projects for the reduction of SALW in the sub-region. However, as with the PoA, the onus on implementation is with national governments. Many of the aspects of SALW proliferations addressed by the RIP closely correspond with those contained in the PoA, such as the need for strengthened legislative and regulatory frameworks governing production, storage and transfer of SALW, and the need for strengthened international and sub-regional co-operation to tackle illicit SALW. However, whilst comprehensive in scope, the RIP nevertheless lacks clarity and specificity in terms of how the Plan is to be implemented, leaving open the possibility for states to do as much or as little as they like.

At the operational level, the Southeast Europe Co-operative Initiative (SECI) Centre for Combating Transborder Crime based in Bucharest also has an important role to play in tackling SALW proliferation in the sub-region. The SECI Centre is comprised of police and border officials seconded from twelve sub-regional countries and seeks to prevent, detect, trace, investigate and suppress illicit trafficking in SALW by establishing direct, sustainable and rapid channels of information exchange. Unfortunately inadequate resources hamper the effectiveness of the SECI Centre. Improvements to the operational capacity of the SECI Centre would assist all participating countries in combating the movement of illegal SALW across their borders.

³⁷ As of 12 May 2005, only Bulgaria, Croatia and Romania were listed as having ratified the Firearms Protocol by the UN Office on Drugs and Crime.

³⁸ The Szeged Small Arms Process was an informal process which strove to invigorate political dialogue about SALW issues among SEE states from 2000 onwards.

³⁹ The Stability Pact regional country partners are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYRoM, Moldova, Romania and Serbia and Montenegro. Others include EU member states and the European Commission, international organisations and institutions (for example, the UN, OSCE and IMF), as well as regional initiatives.

National Implementation

Nevertheless, the RIP has provided a useful framework for action to tackle SALW proliferation in Southern East Europe and there has been steady progress on PoA implementation. As of May 2005, six countries had established a PoA point of contact and have also provided at least one report on PoA implementation to UN DDA with a range of SALW control actions being taken by states in the sub-region. These extend from weapons collection, to awareness raising, legislative reviews and to the destruction of surpluses. While national implementation has varied according to opportunity and circumstance, each state in the sub-region can claim progress in some respect. For example with the adoption of a new Decree Specifying Goods Subjected to Export and Import Licences in 2003, Croatia introduced legal requirements for companies to present an end user certificate and import licence of the recipient country when making licence applications to the Inter-Ministerial Committee. In 2003, Bosnia Herzegovina adopted a new law setting out more comprehensive export-import controls (see below). FYRoM has conducted a major weapons collections initiative in 2003, and in January 2005 passed a new Law on Weapons that harmonizes its legal controls with the EU standards. Albania conducted weapons collection initiatives as well as destruction of surplus SALW and ammunition. Finally, in Bulgaria, amendments to SALW control legislation have strengthened end-use requirements and sought to limit possibilities for corruption whilst the government has also embarked upon a programme of destroying Bulgaria's sizeable stocks of surplus weapons.

Civil society

Governments have been assisted in their work by regional and international organisations such as the UNDP and OSCE, and by an increasingly engaged civil society that has carried out practical projects not just in areas traditionally associated with civil society such as awareness raising, but in some cases even becoming involved in demobilisation and destruction projects.

Examples of civil society activity on SALW in the sub-region to date include:

- awareness raising in Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia (FYRoM), Serbia and Montenegro⁴⁰
- verification of SALW destruction in Albania and Serbia⁴¹
- research in Albania, Bosnia, FYRoM, Bulgaria, Serbia and Montenegro, and also at the sub-regional level⁴²
- information exchange and sub-regional advocacy, via a network, the South East Europe Network for the Control of Arms (SEENCA).⁴³

Since 2001, civil society has increasingly been perceived by governments and international organisations as a valued partner in the development of responses to small arms problems. Civil society has made a vital contribution by monitoring implementation of the RIP using focused research reports such as the 'South Eastern Europe Small Arms and Light Weapons Monitor',⁴⁴ and carrying out advocacy work in order to generate and sustain political momentum for change.

⁴⁰ By NGOs Movement for Disarmament, Disarmament Peace and Education Centre, Albanian Women Journalists Forum, SaferAlbania (Albania), The Red Cross of Bosnia and Herzegovina (BiH), The Croatian Red Cross (Croatia), CIVIL, Pax Christi, MCM, Journalists for Women's and Children's Rights and the Environment, Youth Alliance, SOZM, Dosta E (FYRoM), Balkan Youth Union and the Red Cross of Serbia, the Pristina Youth Centre, Balkan Sunflowers, Forum for Civic Initiatives (Serbia, Montenegro and Kosovo).

⁴¹ By the National Demilitarisation Centre in co-operation with NATO Maintenance Supply Agency (NAMSA) and the Albanian Armed Forces.

⁴² By NGOs Movement for Disarmament, Disarmament Peace and Education Centre, Institute for Surveys and Opinions, Albanian Women Journalists Forum, SaferAlbania (Albania), Centre for Security Studies (BiH), Institute for Democracy, Solidarity, and Civil Society (FYRoM), Balkan Youth Union and SMMRI (Serbia), CEDEM (Montenegro), Center for Study of Democracy (Bulgaria),

⁴³ <http://www.seenca.org>.

⁴⁴ The South Eastern Europe SALW Monitor report, compiled in 2004 and 2005 by Saferworld, with the assistance of local researchers specifically reports on states' progress towards fulfilling the requirements of the RIP. It is available from <http://www.saferworld.org.uk/publications/index.htm> or <http://www.seesac.org>.

The Role of the South East Europe Regional Clearinghouse (SEESAC)

One of the most significant developments emanating from the agreement on the RIP was the establishment of the South East Europe Regional Clearing-House for the control of SALW (SEESAC). Developed under the purview of the Stability Pact in co-operation with UNDP, SEESAC was launched in May 2002 in Belgrade. Since then, SEESAC has become a sub-regional focal point for SALW control work, providing strategic and project development support, technical advice and resource mobilisation for practical SALW control projects in support of the RIP.⁴⁵ SEESAC is guided in its work by a Regional Steering Committee. Composed of governmental and international representatives, the Committee fosters confidence among the parties and gives political guidance.

Over the past three years, SEESAC has completed numerous and wide ranging activities in co-operation with governments, international organisations and NGOs in the sub-region. These have included: the production of best practice guides on all aspects of SALW control; commissioning comprehensive national SALW surveys across the sub-region; mobilising funds for SALW destruction in numerous countries; and providing technical support to the SECI⁴⁶ Regional Centre for Combating Transborder Crime in its efforts to improve co-operation amongst law enforcement agencies in combating illicit SALW trafficking.⁴⁷ The SEESAC website now functions as an important resource for all actors carrying out SALW control work. The capacity to co-ordinate and facilitate efforts on several SALW-related issues has placed SEESAC at the forefront of sub-regional efforts to combat the proliferation of SALW. Ongoing challenges for the project include maintaining political momentum and generating funding for SALW control in a context where governments have many other, sometimes competing, priorities.

Challenges to continued progress

In the 2003 report we noted that states faced a number of challenges in its efforts to lead implementation of the RIP in the sub-region. These challenges included:

- the need to maintain political momentum
- the dangers arising from competing priorities in the sub-region and amongst international donors
- the need for SALW initiatives to be integrated into broader development programmes
- the need to encourage greater co-operation from civil society.

Whilst all of these challenges remain, to a greater or lesser extent, the significant progress that has been made on implementation of SALW programmes in the last two years demonstrates that they are not insurmountable. Indeed the South East European sub-region could, to some degree, be in danger of becoming a victim of its own success in the sense that projects in other regions outside SEE that have achieved less in comparative terms, are now seen, by international donors, as being more in need of support. Similarly, the situation of relative peace in the sub-region over the past few years means that there is a growing misconception that the problems of the Balkans have been resolved whilst other areas of conflict and instability should be prioritised.

ALBANIA SNAPSHOT: WEAPONS COLLECTION AND DESTRUCTION OF SURPLUS

Despite facing a range of SALW challenges from illicit trafficking to the existence of large numbers of weapons in general circulation, the government of Albania has made good progress in recent years in addressing these problems and implementing important provisions of the PoA. For example, it has

⁴⁵ These are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYRoM, Moldova, Romania, and Serbia and Montenegro.

⁴⁶ Southeast Europe Cooperative Initiative (SECI).

⁴⁷ These are the 'Regional Micro-Disarmament Standards/Guidelines', available from http://www.seesac.org/resources/current_eng.htm.

carried out substantial collection activities to recover the weapons looted during the 1997 crisis, when around 550,000 SALW and close to 900,000 rounds of ammunition were looted from military and police depots across the country. In response, the state began a series of voluntary weapons collections, led by the Ministry of Public Order, with the assistance of international donors, UN agencies and a number of civil society organisations. Following the initial success of the 'weapons in exchange for development' concept pioneered in the Gramsch area, the government of Albania and UNDP ran a 'weapons in competition for development' project (in which communities competed to deliver set numbers of weapons in order to receive development assistance) in 5 prefectures between April 2002 and December 2003, collecting just under 10,000 SALW. To date, the Albanian Police supported by UNDP have collected approximately 208,000 SALW.

The Law on Weapons Collection, passed in March 2003, upgraded the Central Weapons Collection Commission to an Inter-Ministerial Commission for Weapons Collection, chaired by the Deputy Prime Minister, and supported by Weapons Collection Commissions at the prefecture and local level. In order to support the weapons collection efforts, the Albanian government, UNDP and civil society have run extensive SALW awareness campaigns over many years, reaching large sections of the population. These have involved diverse actors, from church and women's groups to the police and school teachers, and have used innovative methods including interactive public discussions and competitions in schools, as well as more traditional methods (posters, t-shirts, TV spots).

The Government of Albania has also been dealing with the challenges that upgrading and modernizing its military to NATO accession requirements present, including the disposal of surplus and out-of-date weapons and ammunition. Since 2000, the Government of Albania has destroyed some 141,000 SALW in a series of destruction initiatives sponsored by international donors; with another 150,000 earmarked for further destruction. During 2004, two bilateral agreements were signed with the US and UK to destroy 12,500 SALW each. Over 30,000 tonnes of ammunition, including SALW ammunition, were destroyed between 2001 and 2004, with a further 59,000 tonnes planned to be destroyed by 2010. (NATO Partnership for peace has provided a US\$ 6.4m grant for a four year SALW ammunition destruction programme which began in December 2002.)

Although good progress has been made in relocating weapon and ammunition stores and bringing storage and security standards closer to NATO standards, the Albanian Ministry of Defence still considers around half of its stores as high-risk in terms of public safety. The current rate of destruction is unable to absorb the excess weapons arising from the closure of storage facilities, and existing depots, already strained by surplus stocks, cannot safely house the added burden. Most government agencies are still lacking in resources and equipment, and essential systems such as the civilian firearms registry maintained by the police continue to be paper-based. It is estimated that at least 200,000 illegal weapons are still in civilian hands, yet comparatively few people are prosecuted for illicit possession, indicating a need for more consistent enforcement of domestic arms laws.

BOSNIA AND HERZEGOVINA SNAPSHOT: TRANSPARENCY AND WEAPONS DESTRUCTION

The government of Bosnia and Herzegovina (BiH) continues to face a number of serious challenges in the field of SALW control, not least the large numbers of illegal small arms that have remained in circulation since the end of the conflict in 1995, with civilians continuing to retain SALW for their own security. In this context the implementation of the PoA has occurred at a relatively slow pace.

Nevertheless, over the last two years, the government of BiH has made significant progress in increasing transparency in regards to exports of SALW following past misdemeanours. Prior to 2003 there was no public oversight over the export of SALW and military equipment. Following the adoption of the Law on

the Import/Export of Arms and Military Equipment (2003) and the earlier passage of the Freedom of Access to Information Act (2001), the Ministry for Foreign Trade and Economic Relations (MOFTER) is now responsible for tracking and compiling an Annual Report detailing the import and export of SALW and military equipment. This report is shared both with the Parliamentary Assembly of BiH, and as of March 2005, with any member of the public who requests it. Export and import decisions, details of destination and origin states, values of shipments and details of their contents are now fully in the public domain.

While the destruction of 20,000 surplus army SALW in November 2004 is an encouraging sign of BiH's commitment to reducing state SALW stockpiles, there remains an estimated 370,000 surplus SALW in BiH stockpiles. Until recently such surpluses have been actively exported, mainly to developing countries. However, controversy arose in December 2004 in relation to the authorization, by MOFTER, of the export of surplus SALW to Chad and Rwanda. This led to the imposition of a moratorium on the export of state owned surplus SALW. This moratorium has been welcomed by international actors, but it is due to expire in July 2005, raising fears of renewed exports to countries in regions of instability, particularly in view of the potential for the BiH government to generate considerable revenue from the sale of surplus SALW. Sustained political will on the part of the government of BiH is needed in order to ensure that the remaining large surplus of SALW in Bosnia are destroyed and not exported.

If the current indications that the Stabilisation Force (SFOR) is to complete its mission in BiH by the end of 2005 are correct, it will be crucial that the successor EU force ensures that weapons collection and destruction efforts continue to be prioritised.

RESEARCH AND ADVOCACY IN THE REPUBLIC OF BULGARIA

From 1999 onwards, organisations such as the Bulgarian Red Cross, the Bulgarian Helsinki Committee and the Centre for the Study of Democracy (CSD) have worked to improve understanding of SALW issues in Bulgaria by publicising research reports and organising seminars for policy-makers and academics.

One of the most significant recent contributions by Bulgarian NGOs has been a comprehensive national SALW survey, conducted by CSD and examining the impact and distribution of SALW in Bulgaria as well as public perceptions of the issues and the capacities of national agencies to control SALW effectively. The report, entitled 'Taming the arsenal – SALW in Bulgaria', published by SEESAC, was launched by CSD in March 2005, attracting considerable media interest and generating a number of requests for information from government agencies involved in SALW control. CSD is now partway through a yearlong programme of work to improve SALW controls in the country, and plans a number of policy briefings, newsletters and roundtables in 2005 with a strong focus on lobbying and briefing Bulgarian Government officials on the need to provide substantive reports to the 2005 Biennial Meeting of States (BMS) and to participate actively in the UN Programme of Action at the 2006 Review Conference.

BULGARIA CASE STUDY: SALW TRANSFER CONTROLS, SUB-REGIONAL CO-OPERATION AND DESTRUCTION OF SURPLUS

Many of the SALW challenges that Bulgaria currently faces can be traced back to the Communist era, when Bulgaria maintained a large standing army and the defence industry was a mainstay of the national economy. Simultaneous changes to the structure and workings of the defence industry, security forces and national administration resulted in a weak arms export control system, a growing number of surplus SALW and a progressive downsizing of the SALW production industry. Since 1998 the government's

control over arms transfers has improved significantly; the regulatory framework is now fairly comprehensive in scope covering all major aspects of PoA implementation. Yet, there remain problems that need to be overcome such as the surplus of small arms and ammunition and the illicit manufacturing and possession of arms by organized criminal groups.

At the same time, the rate of legal firearms ownership amongst the civilian population has increased almost threefold between 1993 and 2003, following the gradual relaxation of controls on civilian gun ownership and a growth in imports. Currently, there are approximately one million SALW in circulation in Bulgaria of which some 300,000 are legally-registered firearms, and whilst the gun murder rate for 2003 is considerably less than that of neighbouring countries in Central and Eastern Europe, it is nevertheless twice as high as the average rate in Western Europe. The majority of Bulgarians would now prefer greater controls on gun licensing.⁴⁸

Developments in SALW transfer control legislation

On March 7, 2002 the Council of Ministers adopted a *Decision for the approval of the United Nations Programme of Action*. The decision called for all institutions that had a role in SALW control to designate an authorised point of contact. The decision in effect formalised the already existing practice of regular interdepartmental meetings of an informal group of experts which had begun in January 2001.⁴⁹

In the same year, 2002, a political decision was made to strengthen and enforce Bulgarian arms export controls. The first step was the introduction of significant amendments to the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies of 1995 (LCFTADGT). Although this initiative coincided with the Council of Minister decision to adopt the PoA, in practice the motives lied elsewhere, namely, in the on-going accession talks with the European Union and NATO. The Bulgarian authorities came under increasing pressure to amend the existing arms control legislation so that it corresponds to the arms control standards adopted by NATO and EU members.

The main amendments regarding the control over SALW included the following changes:

- the inclusion of provisions that made easier the application, in Bulgarian arms export policy and decision-making, of UN Security Council resolutions, of the decisions or sanctions of the EU, and of Wassenaar Arrangement principles, or any other international arms control mechanisms to which Bulgaria is a party.⁵⁰
- clearer definition of the rights and duties of the controlling state institutions.
- specific provisions aiming to improve the establishment of the identity of the end-user of weapons and technologies exported from Bulgaria. This included, for example, establishment in law, for the first time, of a specific requirement for an end-use certificate to be provided by the end-user's national authorities, as part of the export licence application process. Also, exporting companies are now required to include a re-transfer clause in all contracts for ADGT export, to the effect that the end-use(r) may only be changed with the agreement of the Interdepartmental Commission. The new legislation also allowed for on-site post delivery inspection of exports from Bulgaria.
- increasing the penalties and legal sanctions for companies or individuals who violate the law (see below).

⁴⁸ Taming the Arsenal: Small Arms and Light Weapons in Bulgaria, Saferworld, CSD, SEESAC, April 2005, p66

⁴⁹ Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V "Illicit trade in small arms and light weapons in all its aspects"

⁵⁰ In April 2001, a Decree issued by the Council of Ministers established a 'consolidated list of countries and organisations' to which prohibitions or restrictions to the transfer of weapons and related equipment applies. The Decree provides for the list, which is publicly available, to be amended in accordance with resolutions and decisions adopted by the UNSC, EU and OSCE.

- introduction of requirement for registration (with the Interministerial Council on the Issues of Military Industrial Complex and Mobilisation Preparedness of the Country) and licensing of all intermediaries (brokers, transport companies, forwarders, financing companies, other consultants) in international trade in arms and dual-use goods and technologies.⁵¹

Since 2002, there have been two minor amendments to the LCFTADGT. In 2003, the amendments aimed to limit the possibilities for corruption by making it mandatory that the reasons for denying an export permit should be clearly presented to the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction. The Commission, which meets about twice a month, is the key body in arms transfer control system and is tasked with overseeing the implementation of the Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies. The remaining amendments, in 2004, strengthened the pre-existing requirement that the owners and the members of their companies' boards and controlling bodies that apply for trading licenses and permits for export, transport, or brokerage, should have clear criminal records. A new requirement was also introduced for the Secretary of the Interministerial Commission to inform the members of the commission about the "presence or absence of export permit denial notifications from within the EU or other export-control mechanisms to which Bulgaria is a party".⁵²

Amendments to the LCFTADGT also increased the penalties in cases of violation of the law. Previously there had been no minimum penalties and a maximum of only 250 Euros and no distinction made between individuals and companies. The new texts established in 2002 lay down fines ranging from 5,000 to 50,000 Leva (2,500–25,000 Euros) for private individuals. For companies the fines are even higher, amounting to double the value of the transaction. Terms of imprisonment of up to 8 years are also envisaged for violations of export control legislation.

Regional co-operation on SALW

For a country whose arms trade was veiled in complete secrecy a decade ago, Bulgaria has made speedy progress towards routine co-operation with European organisations and processes and in respect of the exchange of information that entails. At the same time constructive Bulgarian involvement has played a part in the development and strengthening of these initiatives. For example, in August 1998 Bulgaria formally aligned itself to the EU Code of Conduct on Arms Exports and committed itself to abide by all guidelines, decisions and positions related to arms transfers taken by the EU. Although as a non-EU country Bulgaria is not involved in the regular denial notification and consultation mechanisms of the EU Code, the Ministry of Foreign Affairs is known to have fulfilled at least one information exchange requirement contained in the Code by submitting a report to the EU Working Party on Conventional Arms Exports (COARM) in 2003, on its efforts to implement the Code.⁵³ Bulgaria is also party to a number of recently established sub-regional initiatives in South East Europe with the declared aim of combating organised crime and cross-border trafficking including the Southeast Europe Co-operative Initiative (SECI) Centre for Combating Transborder Crime, based in Bucharest and the South East Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC).

⁵¹ Bulgarian legislation on arms brokering does not relate to transactions whereby a Bulgarian resident, national or company is involved in the transfer of arms or controlled technologies between two overseas territories. Rather, it applies when the activities of a person or company performing such trade are related to the territory of the Republic of Bulgaria and take place with the use of telecommunication facilities for connection and/or postal services of the Republic of Bulgaria.

⁵² LCFTADGT, Art. 66.4

⁵³ 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

Surplus and seized weapons and ammunition in Bulgaria

Bulgaria has sizeable stocks of surplus weapons, primarily those held by the army – approximately 200,000 small arms and light weapon units. The Bulgarian government has, however, shown increased willingness to discuss and implement the disposal of its SALW stockpiles in recent years. In 2001 Bulgaria signed an agreement with the US government for SALW destruction and destroyed around 96,000 SALW. In July 2003, under a project funded by the UNDP and with support from SEESAC, the MoD destroyed 4,500 AK-74 rifles, 750,000 bullets and 4,000 100 mm rounds of ammunition. Notwithstanding these initiatives, and despite the sizeable SALW surpluses, Bulgarian government efforts have since focused on selling such weapons (such as to the new Iraqi army), rather than destroying them.⁵⁴

Weapons seized from the population during police work fall under the jurisdiction of the Ministry of Interior (Moi). However, the police are not known to have carried out destruction on a significant scale preferring instead to sell captured weapons at auction. In January 2003, the Moi auctioned off 1,350 confiscated SALW⁵⁵ and again on March 31, 2004, 705 firearms were auctioned.⁵⁶

At the end of 2004, the Bulgarian Armed Forces also had close to 80,000 tons of surplus ammunition, of which about 21,000 tons was SALW ammunition. Bulgaria has co-operated with the US Government and UNDP on the destruction of surplus ammunition and, on 4 March 2004, Bulgaria's Council of Ministers approved a National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria. The programme document identifies several gaps in the current capabilities and technologies of the defence industry companies including the inability of defence facilities to comply with environmental regulations and a limited capacity for recycling of ammunition. As a consequence, the programme document recommended the establishment of a new 'centre, where the most modern destruction and recycling technologies will be implemented.'⁵⁷ At the time of writing the programme was being considered by the Bulgarian parliament and no further progress is anticipated before late 2005.

Learning points

- ◆ One result of the progressive strengthening of Bulgarian export controls since the late 1990s is that SALW transfers no longer take place in violation international arms embargoes. Whilst NGOs have raised questions over the wisdom of exporting to other countries of concern, a lack of transparency and accountability mechanisms has meant that independent observers are still not in a position to make an accurate assessment of export policy in practice.
- ◆ The large quantities of surplus ammunition stocks together with the limited capacity to deal with them is a pressing problem for Bulgaria. Sustained international support and assistance – both financial and technical – will be required in order to resolve the situation.

MONTENEGRO SNAPSHOT: WEAPONS COLLECTION AND PUBLIC AWARENESS CAMPAIGNS

The experience of conflict in the Balkans over the past fifteen years means that Serbia and Montenegro have a legacy which includes large numbers of SALW in private possession. In border areas of Serbia and Montenegro, in particular, civilians still keep weapons for their own personal protection. However, the widespread availability of SALW has also been linked to a rise in violent crime and the activities of organised criminal groups.

⁵⁴ Taming the Arsenal: Small Arms and Light Weapons in Bulgaria, Saferworld, CSD, SEESAC, April 2005. p100

⁵⁵ 168 Chasa, 31 January 2003

⁵⁶ Dnevnik, 1 April 2004

⁵⁷ Ministry of Defense, *National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria*, Sofia 2003, p58

The government of Serbia and Montenegro has been making some modest progress on implementation of the PoA including the adoption of new firearms law in July 2004 and undertaking awareness-raising, weapons collection and destructions activities. For example, a two-month 'Farewell to Arms' initiative was launched between 12 March and 12 May 2003, incorporating an illegal weapons amnesty and collection effort. This was organised through the Ministry of Interior (Mol) with funding from USAID and in co-operation with a local NGO network - Akcija. Citizens were encouraged to hand in weapons 'anonymously' using a special NGO-operated hotline number and with the collection of arms from homes or nearby neutral places carried out by a team comprising one or two plain-clothes police officers and an NGO representative to help provide additional reassurance. A small number of weapons were also handed in to local police stations and, in a limited number of cases, police also approached individuals they knew had received weapons which had been distributed by the Mol to 'reserve' forces in the late 1990s, to encourage surrender.

The initiative resulted in the collection of 1,770 guns and 3,000 hand grenades, mines and other explosive devices, all of which were subsequently destroyed with support from the UNDP. The authorities and USAID and Akcija partners claimed the initiative was a success and although there was disappointment at the relatively low number of weapons that were collected, over 70 per cent of the public supported the campaign.⁵⁸ In addition, although it is claimed by the NGO community and international organisations that the active involvement of the Mol in the collection process increased public trust in the police, it is clear from local research that the public still has a profound mistrust in the police, and indeed this seems to be one reason why the initiative was not more successful. Nevertheless, international organisations and NGOs reported that trust and good working relations have been established with the Government and police as a result.

CAMPAIGN AGAINST CELEBRATORY FIRING IN SERBIA & MONTENEGRO

The Christmas and New Year holiday period is traditionally a time when many Serbs are endangered or injured by the practice of firing guns into the air. The Balkan Youth Union launched a campaign in late 2004 in suburban Belgrade using billboards, leaflets, petitions and media outreach on the theme of PAZI METAK! - NE PUCAJ ZA PRAZNIKE! (Don't shoot on holidays!). The campaign was supported by the media, the police and community organisations. Public feedback indicated that fewer guns were fired during the holiday period this year, and according to the police there were no accidental shooting injuries in the areas where the campaign was conducted.

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FORMER YUGOSLAV REPUBLIC OF MACEDONIA SNAPSHOT: WEAPONS COLLECTION AND NEW SALW LEGISLATION

In 2003, the Government of FYRoM, with the support of international community (particularly the UNDP), implemented a major weapons collection initiative in an effort to reduce the approximate 500,000 illicit weapons in circulation. SALWs were collected during a period of amnesty between 1 November and 15 December 2003. Over the 45-day period, a total of 7,571 pieces of weaponry were collected as well as 100,219 pieces of ammunition; and 5,204 requests for legalization were received. Although many of the surrendered weapons were older, less sophisticated models, several hundred assault rifles, over fifty rocket launchers and about 800 hand grenades were collected – an indication that contemporary military

⁵⁸ Opinion poll carried out by the Centre for Democracy and Human Rights (CEDEM), in 2004 and 2005

weapons were removed from society during the operation. The initiative was praised by the international community for its efficiency and its contribution to increased confidence between the ethnic communities in the country. The initiative consisted of several aspects – legislative, awareness raising and operational.

The legislative framework for the collections programme was created by the adoption of the Law on Voluntary Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons in June 2003. A National Co-ordination Body was established to oversee the process, including the drafting and adoption of the new Amnesty Law. Two representatives from civil society were included on the National Co-ordination Body. The election of Col Gezim Ostreni, an ethnic Albanian and former KLA and NLA senior officer, to preside over the NCB helped alleviate concerns that the process would be perceived as a one-sided tool to disarm the ethnic Albanian communities. The National Co-ordination Body continued to oversee the collection process, while a National Operation Centre was established to work on the logistics and practical implementation of the amnesty and the licensing process. A total of 123 local commissions, acting as collection points, were established across the country, each receiving training on SALW awareness and the collection procedures. The first destructions of the surrendered weapons, ammunition and explosives took place between 27-30 December 2003 in Krivolak. The rest of the weapons were destroyed in Skopje on 15 March 2004. A comprehensive national SALW awareness campaign, begun in early September 2003, supported the collection initiative. It involved all sections of the media and created strong awareness among citizens about the SALW problem in FYRoM and the need to take action. The implementation of the weapons collection initiative demonstrated an unexpected readiness to co-operate among all the actors involved – central and local authorities, civil society and the international community present in the country.

The new Law on Weapons, passed in January 2005, transposed EU and international standards and incorporated best practices from EU countries with regard to weapons control. This marks an important improvement in the government and state agencies' ability to control SALW. Important provisions in the law include the prohibition of the public from carrying firearms in public places; explicit circumstances in which firearm licenses may be withdrawn and annulled; strict guidelines for the transportation of firearms; and penal provisions for the contravention of this law including custodial sentencing guidelines.

FYRoM has also drafted a National Strategy and Action Plan for the Control of Small Arms and Light Weapons in line with UN, OSCE and Stability Pact guidelines. According to the plans of the Government of FYRoM, the national strategy and action plan should be adopted in mid 2005. Implementation of these various legislative and programme initiatives, including the anticipated National Action Plan, will require continued and significant political will on the part of the FYRoM government as well as ongoing engagement and assistance from the international community.

ARMS INTO ART IN THE REPUBLIC OF MONTENEGRO

Art has a powerful role to play in the transformation of post conflict societies, as it helps to build a perception of lasting peace. IANSA members undertook the successful weeklong Arms for Art event in the Republic of Montenegro bringing together artist and peace activists from Serbia and Montenegro, Macedonia, Bosnia and Herzegovina, Croatia and the province of Kosovo. The artists created a 'bird of peace' out of 450 decommissioned small arms for the Ministry of Interior's stockpiles.

To help create a business out of transforming arms into art, the artists were also given examples of business plans, budgets and other material useful to setting up a small business. Examples from Cambodia and from Mozambique were shared with the artists from the Balkans.

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EASTERN EUROPE

OVERVIEW

In Eastern Europe, factors such as over-capacity in the defence industry, shrinking domestic arms markets and economic hardship continue to create strong incentives to export arms, including SALW. The problem is compounded by the existence of vast stocks of weapons that are no longer required by the armed forces. Ukraine, for example, is struggling to cope with several millions surplus SALW and 2.5 million tonnes of ammunition. Across the region, storage of weaponry and ammunition in many cases falls below international standards, with the risk that weapons and ammunition might enter the black market. Modernisation programmes and for some countries the requirement to achieve NATO compatibility, may create additional surpluses.

National Implementation

Overall progress on implementation of the PoA in Eastern Europe has been of a modest standard. At the minimal level of implementation, all five countries have established a PoA point of contact and have provided at least one report on PoA implementation to UN DDA. Moreover, Eastern European countries have adopted more stringent legislation and arms-control regulations and have engaged in increased international co-operation, especially on the destruction of surplus SALW. The main challenge, however, remains that of implementation, with many states still struggling to improve law enforcement capacity and effectively manage and control goods transiting across borders. A general lack of financial, technical and human resources undermines the countries' ability to implement and enforce effective measures of dealing with stockpile management and destruction and export and border controls.

Russia has been pursuing a policy of tightening its legal controls over SALW (see below). It has also been at the forefront of international efforts to implement MANPADS controls. In 2003, it took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) to provide notification on MANPADS transfers. Since then, Russia has signed relevant bilateral documents on information exchange about MANPADS movement with all the CIS countries except Turkmenistan. Ukraine has taken action to strengthen its national export controls by adopting a new law in 2003. Likewise, Belarus has tightened its export and import controls and has acceded to the EU Code of Conduct on Arms Exports.

Civil Society

Although SALW control does not represent a priority for civil society organisations working in this region, several organisations have been active in terms of conducting research, advocacy and promoting transparency with regard to SALW. In Russia, the PIR Centre is currently working on an EC funded 2 year project (from April 2005 – 2007) on 'Building civil society capacity to engage with government to tackle small arms in Russia.' In Ukraine, NGOs such as the Razumkov Centre, have mostly concentrated on researching the problem of surplus SALW and ammunition, trying to identify priority areas on which international co-operation and assistance should focus. In Belarus, Voluntas has been particularly active in the promotion of domestic and regional initiatives in the area of SALW, especially in the promotion of transparency in transfers, stockpile security and surplus arms decommissioning. It has co-organised workshops on these issues in Minsk and in Warsaw. In Moldova, the Institute for Public Policy has been involved in research projects looking at various aspects of the SALW problem in the country.

RUSSIA SNAPSHOT: NEW SALW LEGISLATION, DESTRUCTION OF MANPADS, THE PROBLEMS OF ILLICIT TRAFFICKING AND STOCKPILE MANAGEMENT

Whilst Russia appears to be in compliance with many of the legislative and administrative provisions of the PoA, in practice implementation of a number of these provisions has proved particularly challenging, with room for improvement in enforcement of SALW regulations, including on transfer controls and stockpile management provisions. Nevertheless, since the adoption of the PoA, Russia, a major producer and exporter of SALW, has pursued a policy of tightening its legal controls over SALW. In particular, the Russian legislative and executive authorities have been active in developing and refining the legislative and statutory acts of the country as they relate to manufacture, stockpiling, import, transit and re-export of arms, including SALW. Among them are the 2002 new provisions regulating activities in the field of: arms and military engineering; licensing the production of arms and the main components of small arms; licensing the manufacture of firearms cartridges and their components. Since 2001, the Federal Law on Arms, which regulates the production of SALW, has been amended eight times. Amendments to the Criminal Code, which came into force in June 2002, also added further penalties, including a revocation of rights to occupy particular positions and undertake particular activities.

Russia has been at the forefront of international efforts to implement MANPADS controls. In 2003, it took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) to provide notification on MANPADS transfers. Since then, Russia has signed relevant bilateral documents on information exchange about MANPADS movement with all the CIS countries except Turkmenistan. In February 2005, the Russian Defence Minister Sergei Ivanov and US Secretary of State Condoleezza Rice signed an agreement which provides a bilateral framework for the United States and Russia to co-operate on stricter control over MANPADS, including provisions for information sharing on MANPADS supplies to third countries.

Russia faces serious internal problems where the availability of small arms, especially in regions of internal conflict such as Chechnya and Dagestan, exacerbates the situation. Estimates of the quantity of illegally held firearms in Russia range from 300,000 to 1.5 million. However, there have been various efforts to retrieve illegally-held firearms and law enforcement agencies have taken actions for identifying and stopping organised groups and individuals engaged in illegal manufacture, trade, stockpiling, transfer and possession of SALW. From January 2000 to January 2004, Russian law enforcement agencies seized more than 25,000 firearms and about 4,000,000 rounds of ammunition.

Although Russia has destroyed significant quantities of surplus and confiscated SALW, the leaking of weapons, ammunition and explosives out of army and Ministry of the Interior's storage sites pose a major challenge. This is the case even in the North Caucasus, where it is suspected that Russian weapons themselves are fuelling the conflict in Chechnya. There are plenty of reports on incidents related to theft and losses at the storage facilities and arsenals of the Ministry of the Interior and the Ministry of Defence. The Office of the Chief Military Prosecutor (CMP) has claimed that up to 54,000 firearms were 'lost' in Russia in 2004. In 2001 only, the CMP office registered 197 crimes connected with the theft of arms and ammunitions from arsenals.

UKRAINE SNAPSHOT: EXPORT CONTROL AND SALW AND AMMUNITION DESTRUCTION

In terms of PoA implementation, Ukraine has made progress in improving norms and policies regulating SALW, but more needs to be done to strengthen export controls, improve public transparency and destroy, with international assistance, huge quantities of surplus SALW and ammunition. Despite these challenges, since the adoption of the PoA, Ukraine has attempted to strengthen its national export control policies and practices on SALW. In February 2003 a new law 'On State Control of International

Transfers of Goods Designated for Military Purposes and Dual-Use Goods', was adopted. The law provides a new legal base for arms export regulations in Ukraine. Ukraine's efforts and challenges in controlling the export of defence equipment have also been high on the bilateral agendas of the USA, UK, Canada and Poland.

Notwithstanding the achievements made at the normative level, a trilateral delegation comprising government experts from the United States, the UK and Poland who in 2003 visited the country to analyse the practical application of export control regulations, found that the Ukrainian export control system needs comprehensive root-and-branch reform. The weakness of the export control regime was highlighted in April 2005 when the new Ukrainian government admitted that in 2001 cruise missiles were illegally exported using forged documentation.

Ukraine is struggling to cope with some 1.5 million surplus SALW and 2.5 million tonnes of ammunition, of which some 1.5 million tons are categorised as surplus. While these unsafe stocks pose a threat to human life in Ukraine itself (five people were killed and twenty wounded in May 2004 when a depot exploded), the weakness of Ukraine's border and export control systems means that these weapons and ammunition might plausibly be trafficked, or (illegally) exported to sensitive destinations, such as human rights crisis areas and conflict regions. Since the available technical and financial capacities of Ukraine enable the country to dispose only of some 20-25,000 tons of ammunition a year and with the stockpiles increasing every year due to the downsizing of the army, the process of disposal may drag on for decades unless there is substantial foreign technical and financial assistance. The USA, UK, Germany, and Canada have already demonstrated their willingness to assist Ukraine. The USA has expressed readiness to lead on a NATO Partnership for Peace Fund's project for the safe destruction of 133,000 tonnes of conventional munitions and 1.5 million SALW. In February 2005, the UK announced £400,000 of funding towards the NATO PfP project destroying weapons such as surface-to-air missiles.

BELARUS SNAPSHOT: DEVELOPMENTS IN EXPORT CONTROLS AND STOCKPILE SECURITY

Whilst Belarus would appear to be in compliance with most of the principal requirements of the PoA, as with other countries in Eastern Europe, the adequacy of SALW control provisions and their implementation may not always match the standards of international good practice. In this regard, Belarus is faced with three main issues with regard to SALW control: these are the need for effective export and import controls, the requirement for greater security of stockpiles and the need to decommission surplus weapons.

With regard to arms export and import controls, there have been important changes to their legal and policy basis in Belarus since the adoption of the PoA. These include Governmental Decree 133 (2003) 'On Fulfilling Measures of State Regulation of Export (Import) of Specific Goods' which aims to enact a unified procedure for licensing the import and export of specific goods and technologies Presidential Edict 94 (2003) 'On Measures Regulating Military and Technical Co-operation of the Republic of Belarus with Foreign States' which lists the categories of military goods and services subject to export controls and defines the principles governing state policy in the field of military-technical co-operation Governmental Decree 522 (2002) 'On adopting the Regulation on the Transfer of Goods for Military Purpose through the Territory of the Republic of Belarus' which defines the modalities of transfers of military goods through the customs border of the country.

In an important development in its efforts to promote co-operation with EU countries on arms export controls, in April 2004 Belarus declared adherence to the EU Code of Conduct on Arms Exports by committing to use the Code to inform national export control policies and practices. Although it remains hard to measure the effectiveness of Belarus' export control regime because of a lack of ready

access to information regarding resources, capacity and performance, transparency has improved through the production of annual reports on arms exports and imports, which also provide some data on SALW transfers.

Beyond export-import controls, while Belarus is not a producer of SALW, it has considerable stockpiles, which it inherited from the Soviet Union. The state of most of the SALW storage facilities is poor, with a lack of modern alarm and video systems, inadequate lighting and telephone systems, gates and doors in need of replacement, etc. In July 2003 Belarus submitted through the OSCE Forum for Security Co-operation a request to OSCE participating states for assistance in the destruction of surplus SALW and in the improvement of stockpile security management. A team composed of SALW experts from the UK, Switzerland and Spain made four visits to Belarus between December 2004 and March 2005 with the aim of evaluating the scope for assistance to Belarus. Three areas where assistance is needed were identified: improvement of stockpile security; MANPADS destruction; and destruction of surplus SALW. At this point in time, it is difficult to quantify the levels of assistance that will be provided, although priority has been given to the improvement of stockpile security and the disposal of MANPADS.

SOUTH CAUCASUS

OVERVIEW

Large amounts of SALW entered into circulation in the South Caucasus in the early 1990s. Territorial conflicts over Abkhazia, Nagorno Karabakh and South Ossetia were fuelled by large quantities of weapons from the disbanding Soviet Army. Much of this weaponry was centrally controlled by the new authorities, but many SALW also ended up in the hands of the civilian population. Though ceasefires across the sub-region have now held for over ten years, these conflicts remain unresolved and continue to overshadow all initiatives to improve security, including in the sphere of SALW controls. This has perhaps been the principal reason for there having been only limited progress in implementing the PoA since 2001.

Sub-regional co-operation

There is a distinct lack of sub-regional co-operation in the South Caucasus. Whilst information exchange takes place at the macro level of the OSCE and at the UN, there appear to be no institutionalised forums for co-operation between states at either the bilateral or sub-regional level. Border control remains a challenge for all states in the sub-region, because of difficult terrain, under-paid (and under-trained) staff who may thus be susceptible to corruption, and limited equipment and resources.

There has also been little progress on the issue of surpluses. The continuing threat of renewed violence has meant that governments in the sub-region are unwilling to identify weapons as surplus. Though seized weapons are occasionally destroyed, it is believed that most weapons are re-registered as government weapons.

Nonetheless, the governments of Armenia, Azerbaijan and Georgia have all expressed their commitment to combating illicit SALW proliferation at the national, sub-regional and international level. This was highlighted in responses to a questionnaire by Saferworld that was published in October 2003, which provided detailed information about legislation and practice in the three countries.⁵⁹

⁵⁹ 'Tackling small arms and light weapons proliferation in Armenia, Azerbaijan and Georgia: the view from government.' Government responses to a questionnaire on small arms and light weapons in the South Caucasus. Saferworld, October 2003. Compiled and edited by Stephen Gethins.

National implementation of the PoA

Of the three South Caucasian countries Armenia and Georgia have established a PoA point of contact whilst Armenia and Azerbaijan have provided at least one report on PoA implementation to UN DDA. In Armenia and Azerbaijan there has been very little action towards implementing the PoA. Changes to legislation and to internal government procedures have been few, whilst neither country has established a National Commission or published a national SALW strategy. Nor have there been any particular amnesties or collection initiatives in either country. This appears to stem from a perception that illicit civilian possession is not a major issue in either country, since both governments took steps to collect such weapons in the early to mid 1990s. It is certainly true that firearms-related violence as a whole is not excessive and is rarely high on the public's list of concerns. Nonetheless, it is interesting to note that the Ministry of Internal Affairs of Azerbaijan has recorded year-on-year increases in the amount of weapons seized, reaching 31,631 in 2004 (no such data is publicly available in Armenia). This total suggests that a significant amount of firearms remain in illicit circulation.

There have been more changes to legislation and practice in Georgia since 2001, but it is unclear to what extent these have been motivated by the Programme of Action. Yet it is widely acknowledged that Georgia still faces major challenges in improving SALW control. One potentially promising initiative is the Government's expression, in April 2005, of a desire to establish an inter-agency monitoring group on SALW, though at the time of writing this is not yet confirmed. These issues are discussed in more detail below.

Civil society action on SALW

Civil society organisations in the South Caucasus have not yet made SALW control a major part of their work, either because it is not perceived as a priority or because they are not sufficiently informed about the issue. However, some actions have taken place, such as a German-funded project in 2004 on arms control in the Kvemo Kartli region of Georgia, which ended with a concert against arms control attended by 5,000 people. In 2003, local researchers came together with Saferworld to publish research on arms control across the sub-region, and Saferworld has also held training workshops for civil society organisations on the role of civil society organisations in combating small arms proliferation. International engagement in the South Caucasus

Though the South Caucasus is rising up the overcrowded list of priorities for the international community, regional organisations and European states, international interest in and support for SALW control initiatives in the sub-region remains limited. The OSCE has funded some training, collection and destruction activities, for example, and some civil society work has been sponsored by the Governments of Germany and the UK, but overall, international engagement on arms control in the South Caucasus is lagging well behind other sub-regions.

GEORGIA CASE STUDY: SALW CONTROL LEGISLATION, WEAPONS COLLECTION AND DONOR SUPPORT

At present, the SALW problem remains formidable in Georgia. Current challenges include:

- the conflicts in Abkhazia and South Ossetia and the existence of uncontrolled territories within the state
- the presence of foreign military bases on Georgian territory that are not controlled adequately
- weak weapons control measures undertaken by state actors
- an ineffective law enforcement system coupled with lack of public confidence and high crime rates
- ineffective state border controls.

Furthermore, small arms spread widely in the late 1980s and early 1990s against the background of the dissolution of the Soviet Union and the start of the civil and ethno-territorial conflicts. To this day, weapons are still available and people still feel motivated to acquire them.⁶⁰

Over the past years, Georgia has made a number of steps to strengthen its fragile security, such as improving its legislative controls on SALW. Some progress has been made in refining national legislation governing SALW in Georgia. Since 2001, several laws that relate to SALW control were changed and amended and a new Law on Firearms was passed to replace the old law of 1994. In addition, some weapons collection initiatives have been undertaken, with varying degrees of success. Nonetheless donor involvement in SALW initiatives in Georgia remains very limited.

Legislation on production, import, export and civilian ownership of small arms

Laws on weapons have been elaborated and refined in Georgia since 1994. Since then the state has been attempting to curb illicit arms sale and proliferation in compliance with international law. Many of the laws were developed in co-operation and with the assistance of international experts. Requests from the international community to step up antiterrorist efforts in Georgia have played their part in encouraging the Georgian government to improve the SALW-related legislation over the past four years.

Today, the principal piece of legislation governing the transfer, possession and use of SALW in Georgia is the Law on Firearms, passed on 8 May 2003. This law governs the production, certification and domestic trade in all types of small arms, from hunting rifles to machine guns and related ammunition. It also governs civilian possession of small arms and has provisions relating to the export, import, re-export and transit of small arms and ammunition.

The need for the development of the new Law on Firearms was prompted by a number of factors, among them:

- the previous Law on Firearms was first passed very early after the independence, in 1994, even before Georgia had passed its Constitution (which happened in 1995). Thus the new legislation was drafted so as to reflect all the realities and requirements of the coming years.
- in the years following the adoption of the original law, new governmental entities were established, such as the National Security Council's Commission for Military-Technical Issues, that assumed the responsibility for certain issues related to SALW control. Accordingly, the responsibilities of such entities were defined in the new law.

A number of significant improvements were made in the new legislation of May 2003, for example:

- the old law made little distinction between manufacturers and owners of firearms. The new law places more detailed restrictions upon potential manufacturers of SALW.
- the old law did not have any provisions governing the trade in arms. The new law rectifies this situation by including an article on arms export, import, and transit.
- the new law has more thorough definitions of the arms themselves and differentiates between different sorts of weapons by type and by designation.

Although the new law can be described as comprehensive, the major problem is still its actual implementation. This in addition to the strengthening of the administration and enforcement capacities, co-ordination among the agencies involved in SALW control and tackling the underlying security problems.

⁶⁰ For example, in 2000, the OSCE mission to Georgia conducted a survey in South Ossetia in order to estimate the number of weapons in civilian possession in this area. According to the data, each family owned an average of 8 items of SALW.

SALW collection and destruction in Georgia

Over the past decade Georgia has gained some experience in conducting weapons collection and destruction programmes. However, the programmes implemented to date can be seen as having had only a minor influence on the level of illicit proliferation of SALW in Georgia as a whole.

In 2000, the OSCE with the support of Joint Peacekeeping Forces deployed in South Ossetia launched a weapons collection and destruction programme. Unfortunately, public figures in South Ossetia, including those who had fought against Georgian units in 1989-1992, disapproved of this programme. Their main concern was the inefficient security guarantees for civilian population because of the possibility of re-escalation of the conflict. According to local analysts,⁶¹ most of the surrendered ammunition – exploded shells, outdated mines and weapons – was obsolete.

Later, in 2002, the OSCE initiated a programme of voluntary handover of SALW in South Ossetia under the slogan “Weapons for Development”. The initiative took place within the framework of an exchange programme under which local authorities were rewarded with equipment (communication, information technology, transport, etc.) upon destruction of weapons. The project was expanded at a later stage and the voluntary handover of weapons by the local population was rewarded with finances for public works (e.g. repair works on a 40km irrigation canal). By late July 2002, within the framework of the programme, more than 1,300 units of arms and ammunition and 210 kg of pure explosives were collected in the region, two thirds of which had been destroyed by that date.

Following the “November Revolution” of 2003 and the election of the new government, a weapons collection programme was initiated in Ajaria in May 2004 when it transpired that the former separatist leaders had distributed a great deal of weapons among the population. The programme was conducted without complications and, over a ten day period, resulted in the seizing or voluntary surrender of 3,000 automatic weapons and up to 150 grenade launchers. Although the programme was not supported by a specific public education or confidence building campaign targeted at the general population, public trust in the government played a decisive role in its success.

It would appear that the Government of Georgia does not have a clear and consistent policy with regard to dealing with the SALW collected during such programmes. In some cases the confiscated or collected weapons were destroyed (e.g. under the OSCE programmes), in others (e.g. Ajaria) they have never been destroyed and they are thought to have entered into the possession of different Ministries.

Donor support for SALW initiatives in Georgia

Beyond the OSCE support for weapons collection and destruction in South Ossetia, there appears to be only limited donor support for SALW initiatives in Georgia. One of the few noteworthy efforts currently underway is a project entitled “SALW Availability and Its Impact on Social and Economic Life of Kvemo Kartli Region of Georgia”. This project is a joint initiative of three Georgian NGOs: the Caucasus Institute for Peace, Democracy and Development, (CIPDD), the Georgian Association of Euro-Atlantic Partnership (GAEAP), and the Union of Intercultural Co-operation in the Kvemo Kartli Region. Supported by the German Development Ministry (GTZ) Food Security, Regional Co-operation and Stability in South Caucasus (FRCS) programme, the overall goal of the project is to prevent negative effects of the proliferation and misuse of SALW on the development of the sub-region and the country as a whole through researching the situation and raising awareness about SALW among the authorities and the multiethnic population.

⁶¹ Alan Parastaev, “North and South Ossetia: Old Conflict and New Fears”, Saferworld report papers, Small Arms and Security in the Caucasus, April 2003.

Learning points

- ◆ Weapons collection efforts conducted in the South Ossetian conflict zone have been largely ineffective owing to the latent tensions and deep mistrust which exist there. Further programmes are unlikely to yield sustainable results until successful conflict resolution initiatives are in place.
- ◆ A priority for the government should be the establishment of an interagency commission or a national co-ordination unit on SALW that is capable of co-ordinating and promoting policy planning in this area as well as of developing a comprehensive SALW Action Plan for Georgia.
- ◆ The support of the international community for efforts on the part of the Georgian government to tackle the SALW problem can make a significant difference within the rubric of an effective partnership with the government and local NGOs.

CENTRAL ASIA

OVERVIEW

Central Asia has historically been, and continues to be, a major crossroad between Europe, North Asia and South Asia. However, in terms of arms control regimes, as a part of the CIS and the OSCE, it is more relevant to talk of this sub-region in the context of Europe rather than Asia although culturally and geographically it might seem less appropriate. Whilst not a major producer of SALW or ammunition, Central Asia is still important internationally, in part because of the sub-region's conspicuous lack of engagement in SALW control processes. One reason for this has been the international community's apparent pre-occupation with weapons of mass destruction (WMD) in the sub-region along with the need to control the flow of illicit narcotics from the sub-region into Europe. Nonetheless, there are a number of concerns about the sub-region that make the issue of SALW controls important. These include a lack of state transparency, corruption and large surplus stockpiles inherited from the end of the Cold War.

The sub-region borders onto Afghanistan to the south which is still highly unstable and the Chinese province of Xinjiang where there has been ongoing ethnic violence between the Uyghur and the Han Chinese communities. Further, Tajikistan is a post-conflict state while Uzbekistan has had a domestic violence control issue specifically related to alleged Islamic extremist groups; this erupted into open violence in early 2004 and more recently in May 2005 the security forces reportedly killed over 500 civilians in armed action against unarmed demonstrators. On a more positive note, during a constitutional crisis in March 2005 the Kyrgyz security forces were ordered not to open fire on demonstrators by the outgoing President Askar Akayev and small arms were not used by either side. However, drug smuggling from Afghanistan and the associated violence linked to the international trade in illegal narcotics remains a destabilising influence in the sub-region.

National Implementation

The key SALW concerns in the sub-region continue to be inadequate stockpile management provisions, including the threat from unstable ammunition and the danger of leakage from stockpiles to conflict zones, as well as issues of corruption and transparency. Historically the sub-region has been a source of weapons that have found their way into conflict zones and/or onto the international illicit market. In the last few years, however, there have been no major reports or allegations of such diversions indicating an increased willingness among Central Asian Republics to implement more thorough export controls. This may in part be due to the OSCE and the UN having been active in the sub-region in promoting increased awareness of international SALW control measures. In 2002 the OSCE hosted a Regional

Follow up Meeting on combating illicit trafficking in the sub-region, while in 2004 the UN DDA Regional Centre for Asia organised a meeting on implementing the PoA in Almaty, Kazakhstan. This momentum needs to be maintained and further encouraged by the international community. The OSCE is a particularly important stimulus for sub-regional SALW control since all the states in the sub-region have signed up to the range of SALW agreements that have emanated from this forum. In some ways, the OSCE small arms framework could be considered to be more important than the PoA to Central Asian states.

Only two countries, Tajikistan and Kazakhstan, have submitted a national report to the UN DDA and both of these countries also are the only states in the sub-region to have a national focal point. However, all the republics in the sub-region do have controls on civilian ownership of small arms and Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan also have export legislation. However, the adequacy of this legislation is very unclear as is the extent to which it is implemented. Transparency in the sub-region remains an issue especially in Uzbekistan and Turkmenistan where both states are highly authoritarian in nature, preventing civil society oversight or strong investigative journalism.

Civil Society

In February 2004 an IANSA sub-regional grouping was formed at meeting in Bishkek, Kyrgyzstan organised by the international NGO International Alert and the Kyrgyz based Foundation for Tolerance International. This meeting was the first attempt at persuading civil society and government officials to sit around the table at the same time. However, a key issue that emerged at the meeting was that there was a significant lack of research as to what if anything was the small arms problem in the sub-region. Key concerns included the rise of militant Islamic groups and drug smuggling from Afghanistan; however, as a general issue it was agreed that small arms were not a key issue in the sub-region. It is perhaps for this reason that the group has not been particularly active since its foundation.

KAZAKHSTAN SNAPSHOT: EXPORT LEGISLATION AND SUBMISSION OF NATIONAL REPORT

The process of implementing the PoA in Kazakhstan has been positive, with the Republic submitting its first national report this year. Kazakhstan is the only SALW producer in Central Asia and also has significant arms stockpiles inherited from the old Soviet Army. Therefore, as it does not have a major domestic gun violence problem, export legislation and criteria are the key concerns. SALW production has been consolidated into one company, Kazakhstan Industries, which remains state owned. International concern and pressure has tended to concentrate on WMD held in the country and, as such, small arms have tended to take a lesser priority in the country and the sub-region as a whole. However, there have been a number of indications that the government is beginning to address PoA commitments and OSCE reporting requirements.

In terms of implementing the PoA Kazakhstan has a designated national point of contact – the Ministry of Defence – and for the first time in 2005 produced a national report for the UN DDA. This is, in part, reflected an increase in international attention to security in the sub-region and also Kazakhstan's desire to have a close relationship with both Russia and the West. Kazakhstan is keen to be seen to be exemplary in its adherence to international agreements. Kazakhstan's pivotal role in the global war against terrorism and in the campaign against illegal narcotics has also led to increased concerns with regards to the proliferation of SALW. As mentioned in the sub-regional overview, above, the OSCE hosted a conference on SALW in 2002 and the UN organised a conference promoting the PoA in 2004. Both conferences were held in Almaty, the commercial capital, demonstrating the importance of Kazakhstan in leading sub-regional implementation of regional and international SALW commitments.

Kazakhstan has a fairly well developed export licensing system organised through the Ministry of Trade and Industry which involves consultations with the Ministry of Defence and the Ministry of Foreign Affairs. However, issues remain relating to a potential conflict of interest between the exports of a state owned industry and the state regulatory framework. While Kazakhstan does have a system of marking weapons manufactured in the country, the marking does not include information on the country of manufacture and only states the name of the manufacturer with an initial (eg Metalist has the letter M) followed by a three digit serial number. The issue of stockpile management continues to be a serious concern both in terms of safety and in terms of the risk of illegal diversion. While there have been no recent reports of diversion from these stockpiles and the last explosion at a stockpile was in August 2001 the scale, security and safety of Kazakhstan's SALW and ammunition stockpiles remain an issue of concern.

Civil society involvement in SALW control is minimal, which reflects the rather limited development of civil society organisations across the sub-region. However, there are a number of IANSA members in the country and in early 2004 a number of civil society organisations in the sub-region including Kazakh members formed a sub-regional group. However this has not been active since its formation.

KYRGYZSTAN CASE STUDY: ASSESSING IMPLEMENTATION OF THE POA

SALW control has remained a low-priority issue for the government of Kyrgyzstan in the last few years. Following the UN Conference of 2001 and the adoption of the PoA, Kyrgyzstan has made some positive noises in support the PoA but it has done virtually nothing to implement the agreed provisions. So far, the country has not faced any major challenge in terms of SALW spread and abuse which may partly explain such inaction. However Kyrgyzstan will need to act quickly if it is to prevent the potential growth of a problem.

As this report was being prepared, the political situation in Kyrgyzstan underwent a major process, culminating in the so-called "Tulip Revolution" on 24 March 2005. As this process continues, it carries possibilities for changes in many areas. This includes scope for action by the government in the arena of small arms control and in the development of a positive attitude and renewed commitment to combating SALW proliferation, including implementing the PoA. Much, however, depends upon the outcome of the presidential elections, scheduled for 10 July 2005.

Armed crime and police violence

In recent years, the most prominent problem involving SALW abuse has been that of assassinations and murders. Crimes involving illegal arms sales and stockpile mismanagement were placed under less scrutiny as they were largely perceived to be related to the export of arms and therefore were not regarded as a priority. During 2003 and 2004, over half-a-dozen prominent figures were killed including several businessmen, a high-ranking law enforcement officer, and most recently, in April 2005, a public activist. Firearms were used in all of these cases, with the weapons being either Kalashnikov machine guns or various models of pistols.

Following an incident in 2002 in which the security forces fired on and killed protesters, the OSCE reached an agreement with the Kyrgyz government on the implementation of a police training program. Controversially, this assistance project of about US\$4 million initially planned the provision of riot control equipment to the Kyrgyz police as well. These included shields, tear gas, paint bullets (used to leave stains to mark violators), and other equipment, but excluding rubber bullets. The police training program has now been running for over 18 months. It is mainly focused on technical and skills training having only limited relevance to SALW and human rights issues.

Legal regulation of SALW

The legal basis that governs all questions related to SALW is contained in the single major document called *The Law on Weapons* of the Kyrgyz Republic, supported by a few other legal documents. It was adopted in 1996, and has been edited and amended five times (last editions were made on 6 March 2003). Among the most pressing SALW issues of concern, this Law makes provisions concerning: licensing acquisition; production; transporting firearms into and out of the country; trade and other forms of transfer; storage; use; and confiscation of SALW. Article 27 mentions bearing, transportation and destruction of weapons, but only refers to organs authorized to carry out and those involved in authorising such actions.

The Law separates SALW into three different categories (civilian, service and military) allowing civilians only access to hunting weapons while ensuring that it is only the security forces or licensed security guards who have access to security weapons, and the military who have access to military weapons. Apart from this mention of military weapons these remain out of the Law's purview, thus leaving the questions of handling army stockpiles and other major weapons stocks for relevant ministries and agencies to define.

A second important regulatory document is *The Rules of Circulation of Service and Military Weapons and their Supplies in the Kyrgyz Republic*, adopted in November 2001. However, this document does not concern military weapons. It merely supplements the Law on Weapons with more details about procedures in a number of weapons-related activities. It also allows for the withdrawing of licenses, and the confiscation and destruction of weapons. Besides these documents, major legal codes dealing with SALW are the Law on Licensing, a number of articles of which concern SALW, and the Criminal Code, which determines punishment for SALW-related crimes.

With regard to internationally agreed standards of good practice for SALW control, the above-mentioned legal documents contain some major omissions. For example, no mention is made of arms brokering, end-user certification, transit, and weapons marking. SALW exports and imports, and procedures of transportation and surplus SALW destruction are only very briefly addressed. Further, rules about maintenance of SALW stockpiles, a prominent international concern with particular relevance to Kyrgyzstan, are the subject of continued secrecy. Generally, questions relating to military stockpiles addressed to the Ministry of Defence have not been answered, as there remains strong military opposition to the ideas of transparency and publicity.

Civil society role in reaching SALW security

Civil society in Kyrgyzstan is thought to be one of the more developed in Central Asia. This is due to a relatively more liberal political regime. Numerous civil society communities and organizations have appeared since independence. However, the involvement of these groups in the issues of weapons and security has been negligible. Reasons cited to explain why so few civil society groups work on these issues include the actual low level of weapons availability, meaning that SALW proliferation is not perceived to be a major security concern. In addition there is a culture of taboo related to discussions on the use and ownership of firearms, and government agencies' remain unco-operative and discourage discussion of the issue.

Nevertheless, some organizations have still opted to raise security issues and SALW to public attention. The Foundation for Tolerance International (FTI), an NGO, has been the most notable organization which has entered into this topic. Partnering with International Alert, in February 2004, FTI co-organized a regional consultations workshop on small arms in Bishkek (Kyrgyzstan), where representatives of

government agencies and civil society from Kazakhstan, Kyrgyzstan, and Tajikistan, as well as a number of international organizations' representatives took part. FTI has been an active participant and contributor to public assessments of various programmes, such as the OSCE police training project, along with other major civil society organizations, including the Coalition of NGOs for Democracy and Civil Society. The latter organization was particularly effective in articulating public criticism of the riot-policing equipment provision component of the OSCE project, which was dropped as a result.

Implementation of the Programme of Action

The general conclusion from the above observations would be that the Kyrgyz government has not undertaken sufficient efforts to implement the requirements of the PoA. To start with the most basic and principal requirement of the PoA, Kyrgyzstan has neither designated a national point of contact, nor assigned a national co-ordination agency.

The Kyrgyz government has largely maintained the legal position of SALW as it was during the Soviet period, with only a few differences. The major legal documents do not reflect an awareness and recognition by the Kyrgyz national authorities of the threats posed by SALW to security. The division of responsibilities amongst the governing authorities regarding SALW issues indicates a lack of close co-ordination among the relevant ministries and agencies. There is no talk of developing a comprehensive national approach to controlling SALW, or even of preventing their spread and usage.

Notwithstanding the continuing debates in various sub-regional and international forums concerning the importance of adopting adequate legal regulations on such issues as export/import of weapons, end-user certification of exports, weapons brokering, and others, Kyrgyzstan has yet to undertake any concrete action in any of these areas. Moreover, Kyrgyzstan's situation in a region where most security issues are cross-border means that adopting comprehensive SALW control measures is essential in order to prevent the growth of these problems in the future.

Learning points

- ◆ The Kyrgyzstan government should establish a national co-ordinating agency in order to co-ordinate all governmental efforts in controlling SALW and co-operate with non-governmental efforts in supporting and evaluating governmental actions.
- ◆ All relevant legal documents should be revised so as to bring all regulations and laws into line with Kyrgyzstan's international (PoA) and regional (OSCE) commitments on SALW control.
- ◆ The Kyrgyzstan government should encourage greater civil society involvement in issues of security and especially SALW control, including through research into the nature and dynamics of the SALW problem in the country and in the Central Asian sub-region with a view to developing a comprehensive national strategy.
- ◆ The Kyrgyzstan government should allow greater public access to information concerning the management of weapons stocks and should make the rules pertaining to stockpile maintenance transparent.

TAJIKISTAN SNAPSHOT: POST CONFLICT WEAPONS COLLECTION

In 2003, Tajikistan was the only country in the sub-region to submit a national report but, unfortunately, has not since submitted any further reports. However, domestically the country continues to try and reduce the number of SALW in circulation on its territory. The SALW situation is a greater challenge in Tajikistan than in any other Central Asian republic. Following civil war in the mid-1990s, illicit weapons possession by individuals, political and criminal groups, as well as SALW trafficking, continues to be

widespread. However, the government of Tajikistan has slowly begun to address the causes of conflict and illicit SALW demand in the country. Following a period of relative internal stability and the reduction of external threats from militant Islamists, the government now has the opportunity to make significant progress in tackling the challenge of SALW proliferation in Tajikistan.

In 2003, according to the Ministry of Interior, 9,694 SALW were legally registered, but many more are thought to exist illegally in civilian hands. A wide variety of SALW, largely of Soviet or CIS origin, are owned and used in Tajikistan today, including AK-47 and AK-74 assault rifles, sniper rifles, sub-machine guns, machine guns, and rocket-propelled grenades. Through an ongoing amnesty and 'search and seize' operations, the Ministry of Interior claims to have collected 26,000 weapons since 1994. The disarmament process led by the Commission on National Reconciliation (CNR), government SALW amnesties, and a presidential decree banning the public display of weapons by private citizens has lessened the appearance and, to some extent, the scope of illicit SALW in Tajikistan.

The 'Law on Weapons' of February 1996 is the principal legal instrument for regulating SALW issues in Tajikistan, aided by the March 2000 Government Resolution regulating measures for its implementation. The overall co-ordination of SALW issues is one of the functions of the Government Commission on Implementation of International Humanitarian Law (CIHL), however there is no specialised state body that would be responsible for tackling illicit SALW circulation. Tajikistan has, however, established a national point of contact on the implementation of the PoA and was the first Central Asian republic to submit a National report in 2003. Tajikistan was also the recipient of international assistance in the run up to the 2003 BMS. The joint UNDP, UNIDIR and Small Arms Survey Reporting Assistance Project assisted the republic in presenting a national report which was exemplary in its structure and clarity. Unfortunately, at the time of writing it has not submitted a second report in the run up to the 2005 BMS which perhaps suggests that this project did not have as strong an impact in terms of sustainability as was initially hoped.

3.2.4 THE MIDDLE EAST AND NORTH AFRICA (MENA)

OVERVIEW

The MENA region is significantly affected by SALW. All Arab countries, Israel, Iran and Sudan have long been major recipients of SALW transfers. Legal and illicit SALW flows into and within the region have resulted in widespread proliferation of SALW. These SALW pose a considerable problem, both in terms of the continuing Arab-Israeli conflict and the numerous illicit transfers both to non-state actors involved in that conflict as well as in fuelling the numerous border disputes in the region. Cross-border trafficking occurs between states for political reasons and arms are also retransferred to tribes or non-state actors to consolidate relations between sub-national actors and central governments. Monitoring and policing the borders in the region is a key challenge for the effective control of SALW as is the formulation and implementation of adequate legislation on SALW issues.

Recent events in Iraq and the collapse of the Iraqi army in 2003 has led to millions of weapons falling into civilian hands.⁶² These weapons are not only being used by insurgents in violent attacks aimed at destabilising the country but are also fuelling other violent crimes and murders. Furthermore Iraq's geographic position means that the stability of the Middle East may be threatened for many years as these weapons can easily be transferred to other countries.

Implementation of the PoA has tended to be slow and in the past the region was notable for its lack of coherent regional collaboration. However over the last few years there appears to have been a degree

⁶² BBC report 'Millions of guns' inundate Iraq, Imogen Foulkes 30 June 2004 http://news.bbc.co.uk/2/hi/middle_east/3852505.stm