



Small arms and light weapons in the Federal Republic of Yugoslavia

The nature of the problem



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Acronyms

AAK	Alliance for the Future of Kosovo
DOS	Democratic Opposition of Serbia
DPS	Democratic Party of Socialists (Montenegro)
EU	European Union
FRY	Federal Republic of Yugoslavia
GSZ	Ground safety zone
ICG	International Crisis Group
IMF	International Monetary Fund
IWPR	Institute of War and Peace Reporting
JIAS	Joint Interim Administrative Structure (UN, Kosovo)
KFOR	Kosovo Force (NATO and Russia)
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KWECC	Kosovo War and Ethnic Crimes Court
LDK	Democratic League of Kosovo
MUP	Ministarstvo Unutrasnjih Poslova (Ministry of Interior)
NGO	Non-governmental organisation
NLA	National Liberation Army (Macedonia)
OSCE	Organisation for Security and Co-operation in Europe
PDK	Democratic Party of Kosovo
PfP	Partnership for Peace (NATO)
PSHDK	Albanian Christian Democratic Party of Kosovo
SALW	Small arms and light weapons
SDB	State Security Services (FRY)
SDP	Social Democratic Party (Montenegro)
SDS	Serbian Democratic Party (Republika Srpska)
SFOR	Stabilisation Force (NATO, Bosnia Herzegovina)
SHSK	Support to Human Security in Kosovo
SNP	Socialist People's Party (Montenegro)
SRS	Special Representative of the Secretary General (UN in Kosovo)
UCPMB	Liberation Army of Presevo, Medvedja and Bujanovac
UNDP	UN Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo
VJ	Vojaska Jugoslavij (Yugoslav Army)
WAC	Weapons Authorisation Card
YPCPP	Youth-Post-Conflict Participation Project (Kosovo)

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Foreword

IN MAY 2001, Saferworld organised a group of non-governmental experts to visit Serbia at the request of the Minister of Interior *ad interim* of the Republic of Serbia, HE Bozidar Prelevic. The assessment was undertaken in the framework of the Szeged Small Arms Process, which was launched at a roundtable meeting in November 2000 co-organised by Saferworld, the Szeged Centre for Security Policy and the Hungarian Foreign Ministry.

The purpose of the visit was to make an independent assessment of the nature of the problem of small arms diffusion in Serbia and Kosovo¹ and submit recommendations on how to tackle it. The expert group's objectives were:

- to review information on the key sources, routes and end-users of illicit small arms;
- to assess the progress made by local and national agencies to combat such diffusion;
- to explore ways to enhance local and national responses to combat the illicit flow of small arms;
- to identify the capacity-building needs of government agencies and civil society groups; and
- to identify how international donor assistance might be directed towards meeting those needs.

A preliminary assessment was undertaken during a visit to Serbia and Kosovo from 12 to 19 May 2001. In order to maximise the value of the visit, interviews were arranged with representatives from relevant government ministries (defence, foreign affairs and interior) and agencies (police, customs and the judiciary). The experts also met defence industry managers and ministry officials who control the production, trade and holding of small arms and light weapons (SALW). Representatives of civil society (academics, non-governmental organisations (NGOs) and the media) were also consulted.

One of the experts' key concerns at the outset was the so-called gun culture, which is habitually presented by the media as the main reason for the proliferation of weapons and the greatest obstacle to a lasting peaceful solution to conflict in the region. However, it soon became clear that the extent and scope of gun culture among ethnic Albanians and other communities in the region was exaggerated and unlikely to be the main destabilising factor.

Unresolved political issues, the political status and the future of Kosovo, in particular, seem to play a much greater role in shaping the security environment both at a macro

¹ Throughout this report Kosovo has been printed with the Serbian spelling, although the author acknowledges the legitimacy of both the Serbian 'o' and the Albanian 'a' spelling.

and a micro level. It is safe to say that until Kosovo Albanians and Serbs have found an arrangement mutually acceptable for all stakeholders in the region, it is unlikely that efforts to combat the proliferation of weapons can succeed. Radical ideologies encourage speculation about the future of the region and restless warriors thrive on these uncertain conditions. One of these lingering ideas is that of a Greater Albania. It no longer appears to be an issue worth fighting for, nor is it popular enough to mobilise the masses. However, it remains a major element in all ethnic Albanian parties' programmes as an ultimate political goal, thereby causing a major security concern.

An undefined and unsettled environment is not favourable for long-term investment, either economic or social. It is, however, a safe haven for criminals. It is not surprising that the availability of SALW both in Serbia and Kosovo continues to be staggeringly high. The expert group placed special emphasis on how the executive can cope with these problems and increase the success of combating SALW proliferation until these conditions have changed.

In the meantime, there are many ways of improving the situation. We have to acknowledge the steps that the government in the Federal Republic of Yugoslavia (FRY)² is planning to take to reform the entire security structure, particularly the police. The close co-operation that developed between the Organisation for Security and Co-operation in Europe (OSCE) and the Serbian government is important in this area. NATO's Partnership for Peace (PfP) has also become an increasingly valuable means of addressing security sector reform and spreading Euro-Atlantic security culture. It is therefore promising that a NATO-sponsored seminar was held in Belgrade on 28–29 September 2001 in which high level representatives of the Yugoslav government took part in a serious discussion on the prospect of the FRY joining the Partnership for Peace and the Euro-Atlantic community.

Meanwhile, it is promising that the elections in Kosovo in November last year were carried out in a more collaborative atmosphere and brought co-operative political forces forward.

If small arms diffusion and illicit trafficking in arms (or other commodities) is to be effectively tackled, states must share information through bilateral and regional channels. The endorsement of a Regional Implementation Plan to Combat the Proliferation of Small Arms at the last meeting of the Stability Pact's Working Table on Security in November was, therefore a welcome step towards achieving tangible results on the ground. The subsequent establishment of a Clearinghouse in Belgrade under United Nations Development Programme (UNDP) auspices will supply regional actors with tailor-made advice on formulating and implementing SALW project proposals. The Clearinghouse will also serve as a forum for information sharing to ensure relevance, consistency and regional ownership of the work. The Szeged Small Arms Process and the Stability Pact's Regional Implementation Plan are intended to work in a complementary manner. Given the fact that these initiatives advocate a comprehensive approach and build on the collaboration of government and civil society both at the national and regional level, prospects for positive changes seem good.

Economic development was not addressed by the expert group, although it is one of the most important elements of any sustainable settlement. Given the weakness of institutions, the importance of developing civil society organisations and providing support for their initiatives, cannot be underestimated. They have a crucial role in initiating and promoting reforms of government policies and the functioning of their country. There is wide scope to increase transparency in every aspect of SALW. An increase in the number of activists and advocacy work in this area is crucial. Raising community awareness of the impact and dangers of SALW, and reversing the 'culture of violence' that has developed in parts of the region over the last years cannot be achieved without the active support of civil society.

² Under the agreement that came into force on 14 March 2002, the Federal Republic of Yugoslavia has been renamed 'Serbia and Montenegro'. A Montenegrin referendum on independence has been ruled out until 2005.

1

Introduction

“Today, enormous quantities of small arms and light weapons are possessed by individuals in this area [former Yugoslavia], which actually represents a serious threat to national security in the states, and to the security of individuals.”³

Project outline

During 2000 Saferworld engaged a number of Stability Pact members (through its Central and East European small arms project) in the development of a project on SALW within the context of the Stability Pact for South Eastern Europe. A key objective for Saferworld was to further develop contacts with governments and civil society throughout the region, and to explore the possibilities for extending the ‘regional action plan’⁴ model to the Balkans (as a sub-component within the Stability Pact).

The Szeged Small Arms Process

A pilot roundtable co-hosted by Saferworld, the Hungarian Foreign Ministry and the Szeged Centre for Security Policy took place in Szeged from 17 to 18 November 2000 (known as Szeged I). The roundtable attracted over 50 representatives and experts from governments, international organisations and civil society from most of the countries participating in the Stability Pact. A large number of proposals and ideas for addressing the problem of the wide availability and diffusion of small arms in the region were discussed.

The participants suggested that the next step should be the development of a comprehensive and coherent action programme to tackle small arms diffusion in South Eastern Europe. In order to take this idea forward and in recognition of the achievements of the Szeged Process in building support for the democratic forces in the FRY, the participants agreed to initiate an informal process to be known as the Szeged Small Arms Process.

Initially, the Szeged Small Arms Process centred on the development of a consultation document on the elements of the Action Programme, for further discussion at a follow-on seminar organised in Szeged from 14 to 15 September 2001 (known as Szeged II). However, the Szeged Small Arms Process has also been taken forward by governments and NGOs in the region to complement global programmes and

³ Gorjanc M, ‘Small arms and light weapons and national security’, paper presented at a workshop on SALW and the Stability Pact for South Eastern Europe held in Ljubljana, 27 January 2000.

⁴ In recent years, Saferworld and others have increasingly sought to pursue a comprehensive approach to the problem of SALW diffusion in a number of regions by encouraging the development and implementation of regional action programmes. This approach recognises that many of the problems associated with SALW diffusion – conflict, insecurity and crime – are increasingly regional in scope.

initiatives. Hungary and the FRY, for example, promoted the Szeged Small Arms Process at the United Nations Conference On the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects in New York in July 2001. In addition, the necessity of a comprehensive and refined regional action plan was proposed at Stability Pact Working Table III meetings.

At Szeged II participants discussed Saferworld's consultation document, which reviewed all the main initiatives and proposals taken so far within the context of the Stability Pact, and a draft Regional Implementation Plan for combating the problem of small arms proliferation in the region, prepared by the Office of the Special Co-ordinator of the Stability Pact as part of their ongoing consultation process. The Regional Implementation Plan was subsequently approved at the fifth meeting of Working Table III in Budapest on 28 November 2001. This Regional Implementation Plan should contribute to significant improvements in co-operative approaches to tackle SALW proliferation in the region.

Szeged II also discussed potential future activities under the Szeged Small Arms Process. Saferworld will continue to facilitate co-operation between governments and civil society in the region in order to both implement and further develop the Regional Implementation Plan and other small arms control initiatives.

The NGO expert group visit to Serbia was undertaken in the framework of the Szeged Small Arms Process, and will also inform the development of follow-on activities to the Regional Implementation Plan.

Small arms and light weapons

Despite some initial fears about impinging upon national sovereignty or non-interference principles, the problem of the destabilising accumulation and uncontrolled spread of SALW has gained prominence on the international agenda over recent years. This is a logical conclusion of the negative consequences arising from large accumulations and flows of such weapons (both legal and illegal). Such consequences include: the destabilising of entire regions; the escalating, intensifying or prolonging of conflicts; impeding peace operations and humanitarian assistance; obstructing post-conflict reconstruction and development; and contributing to banditry, crime and social violence.⁵

The definition of SALW used here is taken from the 1997 Report of the UN Panel of Governmental Experts on Small Arms (United Nations, A/52/298, 27 August 1997), which has become widely accepted. This distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several persons serving as a crew. The category of small arms includes: revolvers and self loading pistols, rifles and carbines, submachine guns, assault rifles and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tanks guns, recoilless rifles, portable launchers of anti-aircraft missile systems, and mortars of calibres less than 100mm. Ammunition and explosives are considered to form an integral part of the SALW with which they are used in conflict.

The complex problems posed by the diffusion and misuse of SALW must be addressed by a range of measures, both operative and normative. Co-operation is required at all levels: local, national, regional and global.

Some states have adopted national measures, such as strengthened export controls on small arms, others have embarked on programmes to collect and destroy surplus small

⁵ For a comprehensive overview of the problems associated with SALW proliferation around the world, see Dhanapala J, Donowaki M, Rana S and Lumpe L, eds, *Small Arms Control: Old Weapons, New Issues*, (UNIDIR, Ashgate, 1999); and the Graduate Institute of International Studies, Geneva, *Small Arms Survey 2001*, (Oxford University Press, 2001).

arms. While the complexity of the issue and different circumstances around the world do not allow for a quick or easy consensus on international measures, a number of organisations in the Americas, Southern Africa, West Africa and Europe have developed regional initiatives to prevent the proliferation and misuse of SALW. Many of these initiatives have addressed directly the illicit trade in weapons and have built regional consensus around issues such as marking, storage, destruction and transfers. Global initiatives have also been taken. In the UN, sets of recommendations for measures to prevent and reduce small arms proliferation have been agreed in the 1997 and 1999 reports by UN Groups of Experts on Small Arms, which were endorsed by the UN General Assembly.⁶ Additionally, a recently agreed Firearms Protocol, negotiated by the UN Economic and Social Council Commission on Crime Prevention and Criminal Justice, has the potential to affect significantly the illicit manufacturing of and trafficking in SALW.

Objectives of the NGO expert group small arms and light weapons assessment in Serbia and Kosovo

At Szeged I, the then Minister of Interior, HE Bozidar Prelevic, invited Saferworld to organise a visit by a non-governmental expert group to Serbia in 2001. The expert group was assembled in January and February 2001 and terms of reference for the visit agreed with the Ministry of Interior of the Republic of Serbia and other government officials and NGO representatives during a visit to Belgrade by four members of the expert group in March 2001.

The expert group's task was to undertake a comprehensive preliminary assessment of the problem of SALW diffusion in Serbia and Kosovo and outline possible solutions. Specific objectives included:

- To make an independent preliminary assessment of the nature and extent of the problem of SALW diffusion in the FRY, including a review of available information on the key sources, routes and end-users of illicit SALW and an assessment of progress made by local and national agencies to combat such diffusion.
- To explore with relevant government agencies and civil society groups in the FRY ways to enhance existing local and national responses to combat the illicit flow of SALW, eg by assisting in the creation of a SALW database and develop practical measures to strengthen and deepen regional co-operation on efforts to combat illicit arms trafficking and measures to regulate legal transfers (including ways to integrate the FRY into the activities of the Stability Pact and other regional initiatives);
- To identify some of the capacity-building needs of both government agencies and civil society groups in the FRY and how international donor assistance might be directed towards meeting those needs and to inform and shape the content of the draft regional consultation document being prepared under the Szeged Small Arms Process.

The expert group visited Serbia and Kosovo from 12 to 19 May 2001 (see Appendix 3 for their itinerary). The initial findings from the visit formed the basis for further discussion at a roundtable meeting on 'Tackling small arms diffusion as a conflict prevention strategy in the Southern Balkans' in Belgrade from 31 May to 1 June 2001. The roundtable was organised by the League of Experts, the Yugoslav Red Cross and Saferworld in co-operation with the Ministry of Interior of the Republic of Serbia. The agenda, list of participants and conclusions from the roundtable are shown in Appendix 4.

⁶ United Nations, *Report of the UN Panel of Governmental Experts on Small Arms, A/52/298*, 27 August 1997 and United Nations, *Report of the UN Group of Governmental Experts on Small Arms, A/54/258*, 19 August 1999.

Structure of the report

This report focuses on events that have occurred in the FRY in the two-year period from the signing of the Kumanovo Agreement by NATO and the Yugoslav Army (VJ) in June 1999 to the end of December 2001. It draws on:

- secondary sources and other data in the public domain;
- interviews and discussions from visits to Serbia and Kosovo from 12 to 19 May 2001 and 17 to 20 December 2001; and
- discussions at the Belgrade roundtable from 31 May to 1 June.

This report is structured as follows. Chapter 2 explores the dynamics behind the supply and demand of SALW in the FRY with particular reference to: the links between conflict and possession of weapons by civilians and security forces; the links between organised crime and civilian possession of weapons; cultural aspects of violence and weapons possession; and other economic, socio-political and security factors. Chapter 3 looks at the production and transfer of SALW in the FRY. Chapter 4 discusses what has been done to tackle SALW diffusion and finally, chapter 5 contains the recommendations of the expert group.

Chapters 1 to 4 of the report were written by the chairman of the expert group, Dr Ian Davis, with valuable assistance and comments from other members of the expert group and colleagues at Saferworld. Chapter 3 draws heavily on the notes taken by Judit Kiss and Judit Körömi on their visit to Serbian defence production facilities on 17 May 2001. The first four chapters of the report represent the views of the chairman of the expert group, while chapter 5 represents the consensus of the expert group as a whole.

The costs associated with the expert group visit and the production of this report are being met by Saferworld as part of its Small Arms and Security Project in South Eastern Europe. This project is funded by the UK Department for International Development.

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The dynamics of the supply and demand of small arms and light weapons

THERE APPEAR TO BE three key interrelated dynamics which influence the demand and supply of SALW in the FRY:

- unresolved conflicts both within the FRY (in Kosovo and Montenegro) and within neighbouring states (Bosnia-Herzegovina and Macedonia);
- the growth in organised crime, within the FRY and within the Balkans in general; and
- the culture of violence and illicit gun use, which is often said to dominate much of Balkan society.

After a detailed discussion of these three dynamics, this chapter briefly addresses five other important background factors:

- economics;
- community cohesiveness and demographics;
- the structure and quality of the police and security forces;
- the quality of the judicial system; and
- the status of border area and ports.

Links between conflict and the possession of weapons by civilians and security forces

While several countries in the Balkans have begun to take steps to tackle SALW diffusion, until the momentous political changes which followed the elections of September 2000 and culminated in Slobodan Milosevic's fall from power on 5 October 2000, there had been little opportunity to make progress in the FRY, although it was one of the countries which appeared to be most severely affected.

Part of the problem may have been the perception that small arms initiatives were not feasible until the seemingly intractable conflicts in the region were resolved. The timing and scope of SALW initiatives in ongoing conflict situations has been

extensively debated.⁷ While it is recognised that conflict resolution is important, SALW initiatives can still be initiated before a conflict has been resolved, and in some circumstances, may even contribute to its resolution. A certain degree of stability and public order and minimum standards in terms of respect for human rights and humanitarian law will normally be needed before weapons collection and destruction programmes can be initiated in conflict zones. However, a range of other measures may be possible in advance of conflict resolution, including strengthening the co-operation among regional NGOs working on SALW and enhancing the collaboration among neighbouring police and military forces. Indeed, low-level co-operation at this 'soft security' level can help promote higher-level political co-operation and the eventual settlement of the conflict.

Four clearly defined conflicts are continuing to shape patterns of weapons possession by civilians and security forces in the FRY:

- the unresolved conflicts/status of Kosovo and Montenegro;
- the recently resolved conflict in southern Serbia;
- the continuing conflict in Bosnia-Herzegovina (and the role of Republika Srpska); and
- the conflict between ethnic Albanians and Slav Macedonians in Macedonia.

The unresolved conflicts/status of Kosovo and Montenegro

Kosovo

*"The national programmes of most Balkan peoples recognised the idea of an 'ethnic' or 'greater' nation state that relied on 'historical' or 'national' rights. In this regard, there is no substantial difference between Serbia, Croatian, Albania or other Balkan nationalisms."*⁸

Background to the conflict

Both 'Greater Serbia' and 'Greater Albania' ideologies have been played out in Kosovo, and this report is not the place to decide on past historical claims and atrocities. This short introduction merely serves to set the context for discussion on the current situation in Kosovo and some of the future policy options in the field of SALW control.

Kosovo was incorporated into Serbia in 1912 after the Balkan wars, but it was only established as a distinctive territorial unit by Tito in 1945. First, it became an autonomous region (1946), then an autonomous province within Serbia (1963) and finally an autonomous province (1974) only formally linked to Serbia, with competences that were hardly different from those of the other republics, except the right to secede. Tito favoured the ethnic Albanians in Kosovo in a way that resulted in a quiet but steady and forced migration of Serbs into inner Serbia. The land of expelled Serbs was given to immigrants from Albania.

For both Serbs and Albanians in Kosovo, mistrust of the other, if not hatred, jealousy and social rivalry, has long been a fact of life. By the 1980s and 1990s there were many areas of Kosovo where the only Serb presence was that of the increasingly repressive Serbian police and security forces. In 1981 demonstrations calling for full republic status were put down by military force, resulting in 300 deaths and the imprisonment of 700 ethnic Albanians. Further unrest in 1989 led to the suspension and then cancellation of Kosovo's autonomy. As the crisis deepened with the formation of the Kosovo Liberation Army (KLA) in 1997 about 40,000 Yugoslav troops and police were stationed in Kosovo to maintain law and order. Condemned widely by most international governments, the Milosevic-led clampdown led to some 1.5 million Kosovo Albanians fleeing into Albania and Macedonia.⁹

⁷ See, for example, Swedish Ministry of Foreign Affairs, *Removal of Small Arms and Light Weapons in the Context of Peace Missions*, Seminar Report, Stockholm, 11–12 March 1999.

⁸ Simic P, 'Do the Balkan exist?', *Chaillot Papers*, 46, April 2000, p 21.

⁹ Balanzino S, 'NATO's humanitarian support to the victims of the Kosovo crisis', vol 47, *NATO Review*, Summer 1999, p 9.

NATO unleashed a bombing campaign on 24 March 1999 in preference to a politically unpalatable invasion. On 2 June Milosevic acquiesced to a UN settlement and shortly afterwards the Kosovo Force (KFOR), comprising NATO and Russian forces, took over. By 20 June 1999, the Serb withdrawal was complete and KFOR was well established in Kosovo. Since then, although Kosovo has been administered as a UN/NATO protectorate, it has enjoyed de facto independence, and established its own government and parliament.

According to Serbian sources we interviewed, 8,153 'terrorist' attacks took place in Kosovo between 1 January 1998 and 31 October 2000, resulting in 1,681 deaths (920 Serbs, 276 ethnic Albanians, 134 other civilians and around 300 armed soldiers and policemen). In addition, 1,435 kidnappings took place during the same period (1,102 involving Serbians/Montenegrins and 218 ethnic Albanians). Again, according to Serbian sources, based on a combination of information collated by Serbian citizens in Kosovo and data provided by the UN Interim Administration Mission in Kosovo (UNMIK), during the period from the deadline of the demobilisation of the KLA (22 September 1999) and 31 October 2000, 1,631 terrorist attacks took place in Kosovo resulting in 141 deaths.

The role of the international community (UNMIK, OSCE and KFOR)

Since the end of the war in Kosovo in June 1999, UNMIK has performed essential administrative functions and services in the province, including health and education, banking and finance, post and telecommunications, and law and order.

UNMIK initially brought together four 'pillars' under UN leadership:

Pillar I: Humanitarian assistance, led by the UN

Pillar II: Civil administration, led by the UN

Pillar III: Democratisation and institution-building, led by the OSCE

Pillar IV: Reconstruction and economic development, managed by the EU

After the sudden resignation of Hans Haekkerup of Denmark in December 2001, the Special Representative of the Secretary-General (SRSG) for Kosovo, Michael Steiner of Germany, took over as head of UNMIK. As the most senior international civilian official in Kosovo, he presides over the work in all four pillars and facilitates the political process designed to determine Kosovo's future status. The civilian executive powers come from the UN Security Council, which also authorised the international military presence, KFOR. The 42,000 KFOR troops provide the real security guarantees in the province. UNMIK set up a regional structure with five regional administrators and 30 municipal administrators, and established central departments to administer public services. These were subsequently converted into Kosovo-wide administrative departments in the Joint Interim Administrative Structure (JIAS) system.

The JIAS, headed by the office of the SRSG, was set up in December 1999 to re-establish and deliver central and municipal administrative services. Local counterparts for administering the province were appointed. By February 2000, the JIAS had officially replaced all previous parallel security and administrative structures. Municipal elections were undertaken in Kosovo on 28 October 2000 under the auspices of the OSCE in an attempt to build democratic institution from the bottom up. The moderate Democratic League of Kosovo (LDK) under the leadership of Ibrahim Rugova won 504 out of a total of 869 contested seats, with the more radical political Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo (AAK) taking second and third position respectively. However, it should be noted that attempts to include the Kosovo Serbs in this process failed, and Serb political organisations decided to boycott the elections. As a result, municipal councils in the three municipal districts dominated by Serbs were not elected.

On 17 November 2001 the first Kosovo-wide elections for a Parliamentary Assembly took place. The assembly consists of 120 members elected by proportional representa-

tion, with ten seats reserved for Kosovo Serbs and another ten seats set aside for other minorities. The elections were seen as a further step towards self-administration and the devolution of power from UNMIK to the local population. Although the new Kosovo Assembly failed to elect a president in three consecutive sessions due to squabbling among the main political parties¹⁰, agreement was finally reached on the election of a president of Kosovo and the establishment of a government in March 2002.¹¹

The impact of the unresolved status of Kosovo

We found the international community continuing to struggle to establish law and order in the province. Despite ongoing weapons collection programmes and the formal demilitarisation of the main KLA, SALW appear to be widely available throughout the province. It is also widely reported that Kosovo acts as a supply base and transit point for ethnic Albanian guerrilla fighters in northern Macedonia and southern Serbia.

Organised crime, which has thrived in Kosovo, and which has arguably contributed to the proliferation of SALW and a culture of violence among both the Kosovo Albanian and Serb nationalist groups, is encouraged by the continuing uncertainty over Kosovo's future status. Other important issues, such as the return of Kosovo Serb refugees to the province, also appear to depend on resolution of the status question.¹² Incidents of ethnic violence directed at minorities, mostly at Kosovo Serbs and Roma, such as the infamous 'Nis Express' firebombing on 16 February 2001, raise concerns in the minority populations about KFOR's ability to offer protection to all parts of the population. The introduction, in spring 2001, of 'tax collection points' at the internal border between Kosovo and Serbia and Montenegro, seen by the Serb community as a further step towards Kosovo's independence, led to a breakdown of communications between UNMIK and the Serb population.¹³

The international community has limited resources to tackle endemic social problems such as violence and crime in the province. Thus, it seems that until Kosovo Albanians and Serbs are assured that they will be granted either a level of independence or acceptable conditions for return it is unlikely that they will co-operate fully in any SALW collection and destruction programme.

The legacy of the Kosovo Liberation Army

The KLA played a significant role in the war, and although formally demilitarised and disarmed on 20 September 1999 under an 'Undertaking of Demilitarisation and Transformation', signed by its commander in chief on 21 June 1999, it was partly reborn in the form of a 5,000-strong (including 2,000 reservists) 'national guard-style' Kosovo Protection Corps (KPC).¹⁴ The KPC is responsible for providing disaster response, search and rescue, humanitarian assistance in isolated areas, assisting in demining and contributing to rebuilding infrastructure and communities; the force is officially unarmed, but is allowed 200 weapons to guard headquarters and bases. The structure of the KPC has been described as 'curiously similar to the KLA's wartime organisation',¹⁵ leading one Serbian expert to argue that 'in practice its political and command structure, troops and armament have been preserved'.¹⁶ This view is echoed by the International Crisis Group (ICG), which argues that 'no one seriously believes

¹⁰ The four biggest parties in Kosovo are: the Democratic League of Kosovo, the Democratic Party of Kosovo, the Alliance for the Future of Kosovo and the Serbian coalition, *Povratak*.

¹¹ Ibrahim Rugova was elected president in the fourth round of voting on 4 March 2002. Bajram Rexhepi, a member of LDK, was appointed prime minister.

¹² UNMIK has said that while the return of Kosovo Serb refugees is possible: "It would still be a matter of enclaves rather than free and open return and resettlement." The Yugoslav president and a top UN official in Kosovo agree on further co-operation, according to UN press coverage, www.un.org, 5 April 2001.

¹³ The collection points were introduced as part of the Kosovo Consolidated Budget which UNMIK's Central Fiscal Authority manages. The Authority develops and runs the customs service and tax administration in accordance with policy guidelines formulated by the Interim Administrative Council.

¹⁴ 'What happened to the KLA?', ICG Balkans Report No 88, 3 March 2000.

¹⁵ Kusovac Z, 'Disbanded KLA to transform in 60 days', *Jane's Defence Weekly*, 29 September 1999.

¹⁶ Simic P, 'Yugoslavia at the crossroads: reforms or disintegration?', Institute of International Politics and Economics, Belgrade, March/April 2001, p 14.

that the KPC is anything but a new manifestation of the KLA, inheriting its leaders and loyalties. The KLA leaders themselves do not pretend otherwise.¹⁷ In response to the formation of the KPC, the Kosovo Serbs are also thought to have established their own self-defence force in 1999 – and in spite of NATO collection programmes are also likely to have access to arms.¹⁸

Other ex-KLA members were incorporated – after a screening process and an OSCE-organised training course – into the Kosovo Police Service (KPS), the interim administration or the Party of Democratic Progress of Kosovo, which was later renamed PDK. A second faction of the KLA followed the charismatic guerrilla-leader-turned-politician Ramush Haradinaj and formed the AAK. It is remarkable that both PDK and AAK came only second and third during the recent municipal elections, indicating that a majority of Kosovo Albanians still support the more moderate Rugova. This was confirmed by the results of the elections in November 2001, when Rugova's LDK won slightly more than 46 percent of the vote, giving him a clear mandate to lead the province but denying him the overwhelming margin to rule alone.

However, some parts of the extensive KLA network of fighters, leaders and command structures established during the fighting remains active, operating 'openly and essentially as before',¹⁹ and will have retained supplies of SALW. Those elements of the KLA that have moved into organised crime will also have access to weapons.²⁰ Moreover, through such control of criminal activity, the KLA 'remains a powerful and active element in almost every area of Kosovo life'.²¹

The United States and other Western governments for many years discreetly (and openly between the latter half of 1998 and autumn 2000) supported the KLA as an ally in the fight against Milosevic's regime in Serbia. There is a growing consensus among many Western analysts that, like the Taliban in Afghanistan, the KLA has turned from an ally into a regional security threat.²² Certainly, the support of the US government combined with the strong support of the Albanian diaspora in Western Europe and the US seems likely to have manifested itself in funding for weapons, if not their actual supply.²³ Moreover, the guerrilla nature of the organisations presupposes their arming with SALW. This appears to be borne out by the contents of the numerous arms caches discovered by the international peacekeeping forces in Kosovo.

Mitrovica and the Serb enclaves

Mitrovica was described by one member of the international community we met as a "cancerous cell" at the heart of Kosovo. The town lies in northern Kosovo and experienced organised inter-ethnic violence from 1999 onwards leaving the municipality divided between the Serbs in the north and Albanians in the south, and a degree of order maintained by KFOR. It was also recognised as a key element in the success or failure of the international administration in the province. A major concern is how to engage the Serbian community in political dialogue and involve them in the developing administrative structures. We were told that the French KFOR commander in Mitrovica has been working with everyone in the city (intergovernmental organisations, NGOs and the Serbian community) to promote dialogue, but with little tangible results.

However, it is broadly recognised that the support of Belgrade is a necessary prerequisite for such dialogue to succeed, as is the need to establish UNMIK's authority within Mitrovica and other Serb-dominated centres, especially in relation to law enforcement. The latter is regarded as particularly important as problems in Mitrovica extend

17 Op cit ICG Balkans Report No 88.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.

22 'Kosovo: time to pay the piper', STRATFOR, www.stratfor.com, 23 March 2001.

23 Ibid.

beyond inter-ethnic fighting. Divisions within the Serb community in Mitrovica are known to exist, particularly as a result of criminal or nationalist elements arriving from other Serb enclaves. Up until now, UNMIK police have normally patrolled Mitrovica in KFOR vehicles – and the feeling among the international community is that UNMIK police need to become more visible in the city because policing is supposed to be the responsibility of UNMIK, not of KFOR. Although KFOR is charged with the protection of UNMIK staff, it is understandable that a police force which relies on others to protect its own personnel is seen to be somehow lacking.

At the time of the expert group visit, there were plans for joint patrols by UNMIK police and KFOR as part of a ‘crackdown’ on criminal activities in Mitrovica. While desirable, such a ‘political approach with muscle’ would not be without risks, and would stand a greater chance of success if it offered some additional incentives to the Serbian community, such as links to further progress on Serbian internally displaced persons returnees. A successful crackdown is also dependent on sufficient forces being available to KFOR to carry it out, and this will largely depend on fluctuating security situations in other parts of the province. In March 2001, for example, Lt General Carlos Cabigiosu, Italian commander of KFOR, asked for an extra 1,400 soldiers to deal with the increasing incursions of rebel ethnic Albanians across the Kosovo-Macedonia border. Despite the request being backed by NATO Secretary General, Lord Robertson, no NATO governments were prepared to send additional troops.²⁴

Montenegro

Criminal organisations have long been known to flourish in Montenegro. The situation was exacerbated when the province took in large numbers of Kosovo Albanian refugees – 100,000 according to some estimates²⁵ – and it is likely that along with civilians, elements of Kosovo Albanian militant and criminal organisations will have also entered the province. The shadow economy flourished in the environment created by international trade sanctions on the FRY and the chaos in Serbia and Montenegro, and Italy made frequent allegations against Montenegro about “a high degree of criminalisation and connections with mafia in the Italian province of Puglia”.²⁶ These complaints are usually rejected by the Montenegrin authorities, but seem to bear out the assumption that criminal elements, probably armed, are active in the province.

During the Serbian opposition’s nascent phase, Montenegro provided assistance in contacting the US and the EU, and as Belgrade became increasingly repressive the authorities in Podgorica came to be regarded by the West as an important stronghold in the conflict with Milosevic’s regime.²⁷ Perhaps in response to fears of a rumoured military coup, the numbers of Montenegrin police increased from 10,000 to 25,000. (The police are the only armed force in Montenegro answerable to the Montenegrin government.)

The Montenegrin electorate voted in Milo Djukanovic’s Victory for Montenegro bloc in the 22 April 2001 general election by a small majority (only 2 percent more than their closest rivals, the Together for Yugoslavia coalition). Montenegro’s president, Djukanovic can only rely on 36 seats out of 77 in the Montenegrin Parliament, and this is not enough to form a majority government. The issue of Montenegrin independence is the only common ground between the two parties, with the Liberal Party chasing total independence and the president favouring a reshaped Yugoslav ‘alliance’ of independent states.²⁸ Insisting that a referendum on independence must be held within six months of referendum legislation coming into effect, the Liberals are asking a high price for their support, demanding key ministerial posts and revision of

²⁴ ‘NATO pleas for more troops in Balkans ignored’, *The Guardian*, 21 March 2001.

²⁵ *Op cit* Simic p 6.

²⁶ *Op cit* p 16.

²⁷ *Op cit* p 6.

²⁸ Tadic-Mijovic M, ‘Djukanovic’s dilemma’, Institute for War & Peace Reporting Balkan Crisis Report No 244, www.iwpr.net, 6 May 2001.

suspicious privatisation contracts and proportional taxation. They accuse Djukanovic's Democratic Party of Socialists (DPS) of 'Milosevic-style tendencies,' and of maintaining a communist-style monopoly on power instead of implementing economic reforms and democratising the republic.²⁹

The Liberal's criticism of the lack of transparency in the privatisation process and corruption among the new economic class, which amassed its wealth through connections within government and the huge police apparatus, mean that the DPS is afraid to turn control of the police and post of state prosecutor over to Miodrag Zivkovic's Liberal party. If the Liberals secure an investigation into dubious privatisation deals the DPS's credibility, and perhaps even that of Djukanovic himself, could be undermined.³⁰

In the immediate post-Milosevic era, it seemed likely that a referendum on independence would be held in Montenegro at some stage. The Serbian government said that it would take a back seat and recognise whatever decision Montenegro made, while pro-Serb groups in the north of Montenegro, previous supporters of Socialist People's Party (SNP) which was created by Milosevic in 1998, warned that they would take action to secede from Montenegro if the referendum results began a process of independence. An additional complication is the neighbouring Muslim-Slav communities, which straddle the border in the Sandjak area. Sandjak is in Serbia, but its people are Muslims. These groups are also against independence since the new border would further isolate a community which already feels distanced from its ethnic kin in Bosnia-Herzegovina.

According to the ICG, should Montenegro secede Serbian Sandjak could present a potential for instability – particularly if the Muslim population continues to suffer broad discrimination.³¹

Montenegrin secession also has implications for Kosovo. If Montenegro were to have left the FRY, the 'federation' would have become even more anomalous, comprising one country, Serbia, its province Vojvodina and Kosovo, under international administration and currently of unresolved status. Montenegrin independence would have also given support to Kosovo Albanians' calls for independence, and possibly also to the stirrings of discontent in Serbia's remaining 'province', Vojvodina.

In fact, such threats were temporarily defused by the slim majority by which the pro-independence coalition defeated its pro-Yugoslav opponents, meaning that a referendum was put off until March 2002. To the relief of anti-secessionists, an EU initiative salvaged the union with Serbia in an agreement signed on 14 March 2002. Under the agreement the Federal Republic of Yugoslavia was renamed 'Serbia and Montenegro' as Montenegrin President Milo Djukanovic joined his Serbian counterpart in agreeing to a three-year moratorium on a referendum. Secession remains a hot topic though, and the two states must now draft a fresh constitution which their parliaments will have to pass.³²

The conflict in southern Serbia

While this particular conflict was eventually resolved peacefully, and is certainly a major success story, continued vigilance and further peace-building measures will be required to prevent the outbreak of further fighting.

KLA support for factions fighting in southern Serbia (and northern Macedonia)

In southern Serbia, the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB) – named after three predominantly Albanian towns near the Kosovo border

²⁹ Ibid.

³⁰ Ibid.

³¹ 'After Milosevic – A practical agenda for lasting Balkans peace', ICG Balkans Report No 108, 2001, p 37.

³² Sunter, D, 'Serbia: Union with Montenegro Loses its Appeal', IWPR Issue 325, www.iwpr.net, 20 March 2002.

– was formed as a KLA ‘splinter group’³³ (as was the National Liberation Army (NLA) in Macedonia). Recruits, weapons and training for both the NLA and UCPMB appear to have come from the old KLA in Kosovo, and their leadership was said to be composed of veterans of the Kosovo conflict.³⁴

The UCPMB aimed to annex the Presevo, Medvedja and Bujanovac region to Kosovo. Many Albanians call this area Eastern Kosovo and believe it should be liberated at all costs.³⁵ In the period between the formation of the UCPMB in January 2000, shortly after two young Albanian men from the village of Dobrasin were killed,³⁶ and the peace agreement at the end of May 2001, some of the fiercest clashes between ethnic Albanians and Serb forces occurred in this so-called ‘demilitarised zone’.³⁷ Estimates of the number of active members of the UCPMB varied from 700–1000,³⁸ to 800,³⁹ to 1,600⁴⁰ to 5–6,000,⁴¹ and in February 2001 they were said to control an area of 80 square miles within the buffer zone.⁴² According to several sources the organisation included former members of the KLA in addition to other ethnic Albanian recruits from inside Kosovo.⁴³

The return of Serb security forces to the Ground Safety Zone and the development of a Presevo Peace Plan

Under the Kumanovo Agreement (June 1999) a buffer zone was established between Kosovo and Serbia proper. This Ground Safety Zone (GSZ) was designed to end the fighting and to protect the Albanian population in southern Serbia from the excesses of the Serb security forces. Ethnic Albanians account for 60 to 70 percent of some 100,000 people living in the GSZ and adjacent areas in southern Serbia.⁴⁴ Only lightly armed Serb police were allowed to patrol the buffer zone. However, ethnic Albanian militants exploited the agreement to establish a series of bases in the GSZ in order to step up their activities. Over 30 people died in the fighting between the UCPMB and Serb police in 2000.⁴⁵

Towards the end of 2000, increased numbers of Serbian police were transferred into the region in lieu of regular forces. Some of these officers were allegedly terrorising the local population,⁴⁶ although the FRY government’s reaction to the conflict was reasonably restrained.⁴⁷ There was also a real danger that acts of repression were likely to trigger increased support among the local ethnic Albanian population for the guerrillas, and result in the further dispersal of SALW among ethnic Albanian civilians for self-protection.

A Presevo Peace Plan developed by the Serbian Deputy Prime Minister, Nebojsa Covic, in February 2001 sought to address the situation by emancipating the ethnic Albanians and re-integrating them into Serbian political, social and economic life. The plan combined a series of confidence-building measures, including the re-introduction of ethnic Albanians into the police force, with a gradual phased disarmament plan, and economic aid for job creation. The ICG concluded that while the Covic plan was the first serious step taken by a Serbian politician to address one of the underlying sources of regional tension and instability, and a basis for further discussion, a lasting

33 Op cit ICG Balkans Report No 88.

34 Op cit STRATFOR 23 March 2001.

35 Nikolic D and Filipovic M, ‘Tensions simmer in Presevo Valley’, IWPR Balkan Crisis Report No 204, www.iwpr.net, 15 December 2000.

36 Ibid.

37 ‘NATO mission at the crossroads in Kosovo’, STRATFOR, www.stratfor.com, 3 January 2001.

38 Op cit ICG Balkans Report No 108 p 39.

39 Op cit STRATFOR 3 January 2001.

40 ‘KFOR losing control of buffer zone’, STRATFOR, www.stratfor.com, 19 February 2001.

41 ‘Some 5–6,000 terrorists in buffer zone’, Serbia Info News, www.serbia-info.com, 16 March 2001.

42 Op cit STRATFOR 19 February 2001.

43 Op cit ICG Balkans Report No 88; Norton-Taylor R, ‘US Troops seize guerilla arms caches in Kosovo’, *The Guardian*, 17 March 2000; op cit Nikolic and Filipovic.

44 ‘UNHCR warns against hasty change in south Serbia’s ground safety zone’, UN press coverage, www.un.org, 1 March 2001.

45 Sunter D, ‘Presevo peace talks begin’, IWPR Balkan Crisis Report No 229, www.iwpr.net, 23 March 2001.

46 Op cit Nikolic and Filipovic.

47 Op cit ICG Balkans Report No 108 p 40.

settlement in the area was probably some way off.⁴⁸

However, on 23 March 2001 peace talks began with the aim of bringing to an end the fighting in the Presevo Valley area. Serb negotiators demanded the return of Serbs kidnapped in the buffer zone, and a reduction in the number of fighters in the UCPMB. Initially, the ceasefire seemed to work reasonably well and was broken only by sporadic fire.⁴⁹ However, the situation quickly deteriorated and a new agreement with NATO which allowed the VJ back into the buffer zone was seen by many as an admission by the international community that they were unable to control the situation.⁵⁰ The UN High Commissioner for Refugees (UNHCR), on the other hand, warned against an overly hasty change in the GSZ. (In order to ensure the security and protection of the civilian population within and adjacent to the zone, the UNHCR urged that the reduction of the 5 kilometre-wide buffer zone must be accompanied by the deployment of a sufficient number of international monitors, as well as a set of confidence-building measures linked to political and administrative reforms in the area.)⁵¹

Serb forces began to enter the buffer zone in mid-March 2001, and the Yugoslav deployment of more than 2,000 police and army troops proceeded carefully under NATO eyes.⁵² Inevitably, the new troops have brought additional weaponry into the area, which will be exclusively SALW, as the agreement retains the 'light weapons only' provision. VJ units will be allowed to carry machine guns up to 50 calibre (12.7 mm) and light mortars, but no heavy weapons or armour.⁵³

The peace agreement

Despite accusations and counter-accusations of ceasefire violations and hostage-taking which threatened to derail the discussions,⁵⁴ a NATO-sponsored agreement resulted in the last 15 percent of the GSZ (referred to as 'Sector Bravo' by KFOR) being returned to Serbian control on 24 May. KFOR told us that there had been no problems following the earlier hand-over of the other 85 percent of the territory, but when we met representatives from KFOR on 14 May the negotiations were still at a delicate stage and agreement had been reached to demilitarise only two villages. KFOR were looking for a stronger commitment on the Serbian side to implement agreed confidence-building measures (regarding an amnesty, multi-ethnic policing etc) to reassure the local ethnic Albanian population. KFOR also expected some resistance by a limited but unknown number of ethnic Albanian extremists (or 'urban terrorists'), possible reprisals against Serb enclaves in Kosovo and further possible 'political radicalisation' in the area. Contingency plans were also being made to provide temporary shelter in Kosovo for up to 15,000–20,000 potential refugees from the GSZ in the event of further hostilities.

Similarly, when the expert group visited the Presevo Valley on 16 May, operations to clear rebel houses and confiscate weapons were ongoing and the situation seemed very tense. However, the ground conditions appeared to change very dramatically in the ensuing weeks, with a full withdrawal of rebel forces and the absence of any casualties. Some 550 rebels, including the commander of the UCPMB, agreed to lay down their arms. Agreement was also reached on the implementation of a multi-ethnic police force and individual donor nations offered funding for infrastructure and social services in the affected region. KFOR and UNMIK introduced tighter controls on border crossings from Kosovo. The VJ is expected to withdraw from most areas in the Presevo Valley in the near future, and will be replaced by Serbian special police. With calm apparently restored to the GSZ, resettlement of more than 8,000 civilians to the area has also begun.⁵⁵

⁴⁸ Ibid.

⁴⁹ Op cit Sunter.

⁵⁰ Filipovic M, 'Yugoslav forces to enter buffer zone', IWPR Balkan Crisis Report No 225, www.iwpr.net, 9 March 2001.

⁵¹ 'UNHCR warns against hasty change in south Serbia's ground safety zone', UN press coverage, www.un.org, 1 March 2001.

⁵² Traynor I, 'Serbs re-enter buffer zone', *The Guardian*, 26 March 2001.

⁵³ Op cit Filipovic.

⁵⁴ Op cit ICG Balkans Report No 108 p 41.

⁵⁵ 'Yugoslavia: Threat of War is Over', STRATFOR, www.stratfor.com, 7 June 2001.

The expert group warmly welcome these positive developments in southern Serbia (as did the participants at the Belgrade roundtable). The political will shown by all sides in securing a negotiated settlement offers a positive example for further peace-building in southern Serbia and the region as a whole. Particularly significant has been the joint co-operation between KFOR and the VJ, which held weekly meetings during the crisis.

However, continued vigilance and peace-building measures will be required to prevent the outbreak of further fighting. In particular, Serbia and the international community need to increase confidence-building measures, especially the development and implementation of long-term social and economic projects. (Southern Serbia is one of the poorest areas in the country, so a regional development programme could become the common goal of both communities.)

The OSCE has also been exploring a number of useful approaches in the region, including the creation of a human rights ombudsman, the training of a multi-ethnic police force and common training for the local media. A draft law on the ombudsman was adopted by the Serbian Government on 6 December 2001.⁵⁶

The continuing conflict in Bosnia-Herzegovina

When Bosnia decided to break away from the Yugoslav Federation in 1991, the sizeable Bosnian Serb population was supplied with arms by Belgrade to enable them to resist secession by the Bosnian Government. The ensuing war was ended by the Dayton Peace Accords in 1995, which divided Bosnia-Herzegovina between the federation of Croats and Muslims and the Bosnian Serbs.

Unyielding Serb nationalism

Although a more moderate government has been returned in Bosnia, hardliner nationalist elements remain active in Croat-controlled parts of southern Bosnia. This is also the case in the Bosnian-Serb-controlled territory of Republika Srpska, where elections since the peace agreement have continued to return nationalist parties. A crumbling economy and galloping unemployment has led to serious social discontent in Republika Srpska.⁵⁷

On 8 May 2001, a ceremony held in Banja Luka in Republika Srpska to commemorate the reconstruction of the renowned Ferhadija mosque destroyed in the Bosnian war in 1993 and to celebrate the normalisation of post-war relations among Bosnian Muslims and Bosnian Serbs, was hijacked by Serb nationalists. With 3,000 Bosnian Serbs in attendance, Serb nationalists opposed to the rebuilding of the mosque and armed with tear gas canisters assaulted Bosnian Muslims, set fire to diplomatic vehicles, overwhelmed police and trapped international dignitaries inside for several hours.⁵⁸ US, UK and UN ambassadors, who had to be evacuated from a nearby building, were pelted with bottles and rocks as they fled the scene. Blaming the leaders of the Bosnian Serb extremist Serbian Democratic Party (SDS) for the riot, US Ambassador Thomas Miller said: "The planned ceremony, which should have been a symbol of peace and reconciliation, has been destroyed by actions of a violent and unruly crowd. Such acts cannot and must not go unpunished."⁵⁹ The OSCE High Representative Wolfgang Petritsch made similar accusations, calling the riot a terrorist attack against the stability of the state. The fact that he had to repeat his stark warning to Bosnian Serbs early this year, telling Republika Srpska that it must abandon ethnic bigotry and improve its human rights record if it wants to survive, demonstrates that there have been no substantial changes in political sentiments.⁶⁰

Bosnian Serb officials from the ruling SDS, including the Republika Srpska President

⁵⁶ 'Belgrade roundtable to focus on draft Ombudsman law', OSCE Press Release, 13 December 2001.

⁵⁷ Cvijanovic Z, 'Troubled times for Bosnian Serbs', IWPR Balkan Crisis Report No 194, www.iwpr.net, 10 November 2000.

⁵⁸ 'Unyielding Serb nationalism in Bosnia', STRATFOR, www.stratfor.com, 8 May 2001.

⁵⁹ Ibid.

⁶⁰ Petritsch W, 'Petritsch issues Bosnian Serbs stark warning', IWPR Balkan Crisis Report No 308, www.iwpr.net, 11 January 2002.

Milo Sarovic, Bosnian Serb Presidency Chair Zivko Radisic and the Prime Minister Mladen Ivanic failed to disperse the crowd. Some sources believe Ivanic has attempted to put a new face on the SDS, and has tried in vain to establish himself and the party as nationalist, but reform-minded. However, the strain of nationalism among Bosnian Serbs is tremendous and Ivanic's efforts have not been particularly successful. Daily papers attribute the protest, and other incidents, to expelled politicians loyal to the extremist Nikola Poplasen, who leads the banned Serb Radical Party, which champions the Greater Serbia principle in Republika Srpska. Activists with a radical or militant agenda have operated with impunity in Republika Srpska, disrupting parliamentary and presidential elections last year and regularly terrorising Muslim returnees repatriated to their homes by the UNHCR.⁶¹ If Poplasen was behind the demonstrations, they are likely to work in his favour. According to one report, the reaction from the international community suggests an end-game in Bosnia where donor nations ultimately give up on the multi-ethnic integration of Bosnia and abandon efforts to co-operate with Bosnian-Serb officials.⁶² Of course, Serb nationalists are not alone in trying to destabilise Bosnia – the activities of Croat militants have been equally disruptive.⁶³

Despite all deficiencies in the functioning of the executive and legislative structure of Bosnia-Herzegovina, its efforts were acknowledged by the Parliamentary Assembly of the Council of Europe when in January 2002 it voted to recommend that the country become a member of the organisation.

Links between Republika Srpska and Belgrade

Republika Srpska was and continues to be closely allied with Serbia. According to one analysis, President Ivan Kostunica's policy towards the republic is no better than Milosevic's and may be worse.⁶⁴ The first of Kostunica's three visits to Republika Srpska, prior to the re-establishment of diplomatic relations with Bosnia, was to attend the reburial of a Serb poet, and a diplomatic fiasco was narrowly averted by the intervention of the UN.⁶⁵ Kostunica's rise to power saw a significant increase in the FRY support for the SDS, in blatant disregard for international community policies aimed at weakening nationalist forces, and officials from Kostunica's Democratic Party of Serbia were said to have openly campaigned inside Bosnia for the SDS in the run-up to Bosnia's November 2000 general elections.⁶⁶ Kostunica is also reported to have provided financial support for the Bosnian Serb Army, intelligence services and police, thereby entrenching the position of the SDS.⁶⁷

An exposé of arms smuggling in Republika Srpska revealed corruption at high levels. Arms dealer Veljko Borovina, was quoted as saying that the Republika Srpska police would not interfere with any arms deals: "They do what we say. We are the strongest people here."⁶⁸ Perhaps even more seriously, a documentary on Spanish television highlighted gaps in the roles of the NATO Stabilisation Force in Bosnia-Herzegovina (SFOR) and the local police. An SFOR spokesman agreed that "the force was in charge of controlling Bosnian Serb army installations and held inventories of weapons there". But, he said, arms smuggling "was a police matter". However, UN sources in Banja Luka are quoted as saying that the SFOR inventories and control of Bosnian air space should have prevented the arms smugglers from removing weaponry.⁶⁹

According to a US Congress Commission, the Republika Srpska police, who have been accused of using 'terror tactics' to deter returning refugees, are said to be funded

61 Op cit STRATFOR 8 May 2001.

62 Ibid.

63 ICG Balkans Report No 237, 12 April 2001.

64 Op cit ICG Balkans Report No 108 p 41.

65 Ibid.

66 Ibid.

67 Ibid.

68 Reported by Tremlett G, 'Helicopters for sale under noses of S-For troops', *The Guardian*, 19 April 2001. An undercover Spanish team, posing as drug traffickers buying arms for a Colombian paramilitary group, were filmed in a documentary made for El Mundo TV and broadcast on Spain's Antena 3 channel on 18 April 2001.

69 Lyon J, 'Serbia after Milosevic', progress report briefing to the US Congress Commission on Security and Co-operation in Europe, www.crisisweb.org, 6 March 2001.

entirely from Belgrade. The Serbian government is also reported as financing the 'dreaded counter intelligence service' (known as the KOS), and appears to be funding the Interior Ministry, which controls police forces throughout Bosnia.⁷⁰ The Republika Srpska Army also receives funding from Belgrade. This money seems to be largely transferred through 'black funds', as contributions do not appear in the official Yugoslav budget. The US Congress Commission believe the Republika Srpska Army to be 'a branch of the VJ', as its officers hold dual rank in the VJ, are trained in the Belgrade Military Academy, receive salaries and retirement pensions from the Serbian government and are part of a chain of command that starts with the General Staff in Belgrade.⁷¹

However, an official within the FRY Ministry of Defence we spoke to suggested that the links between the security forces in Republika Srpska and Serbia were mainly 'social and economic' (eg the salaries of some servicemen in Republika Srpska were paid, especially if they had families in Belgrade), with some limited joint training. It was claimed that there was no direct official support from Belgrade.

The expert group did not have the opportunity to investigate the extent to which the relationship between the new government in Belgrade and the authorities in Republika Srpska is changing. It seems evident that contacts between Belgrade and Republika Srpska are still close, but they are far from being as direct as they were in Milosevic's time. This is a crucial issue which deserves further analysis. In particular, the role of the VJ in Republika Srpska should be addressed within the ongoing process of security sector reform in the FRY.

Illicit arms transfers from Republika Srpska

Recently documented illicit sales to Western Europe by members of the Bosnian Serb élite have been described as "mostly leftovers from the Bosnian Serb and Yugoslav armed forces and police" including Kalashnikov rifles, M-84 machine guns, M-50 grenades, pistols, explosives, detonators, night sights and telescopic sights for snipers and exploding and chemical-carrying bullets (banned by international treaties).⁷² Such illicit sales give an idea of the quantity of SALW that are probably still available in Republika Srpska. It seems clear that the routes and contacts used to supply Bosnian Serb fighters during the conflict are now being used for the illicit arms trade.

A new conflict in northern Macedonia

Roots of the conflict

Fighting erupted in northern Macedonia early in 2001 between ethnic Albanian nationalists and the Macedonian security forces. The immediate cause of these attacks is believed to be the signing of an agreement on the definition of the border between the FRY and Macedonia at the summit of Balkan states in Skopje on 23 February 2001, which ethnic Albanian political leaders in both Kosovo and in Macedonia rejected unanimously.⁷³ The 'hard core' of the radical ethnic Albanian movement in Macedonia is the NLA, which claimed to have taken up arms ostensibly to protect the rights of ethnic Albanians.⁷⁴ In northern Macedonia there is widespread unemployment, with rates of 80 percent jobless near the conflict-affected areas, and ethnic Albanians are reported to be suffering the most.⁷⁵ Some sources believe that the NLA took up arms because of what they saw as the political weaknesses of ethnic Albanian political representatives.⁷⁶ Although the ruling coalition member, the Democratic Party of Albania, led by Arben Xhaferi, and the opposition Party of Democratic Prosperity, led by Imeri

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Tremlett G, 'Karadzic family arming Real IRA', *The Guardian*, 5 April 2001.

⁷³ Op cit Simic, p 12-13.

⁷⁴ Latifi V, 'Albanian power-sharing unlikely', IWPR Balkan Crisis Report No 242, www.iwpr.net, 30 April 2001.

⁷⁵ Latifi V, 'Ordinary Albanians are running out of patience with the Macedonian authorities', IWPR Balkan Crisis Report No 238, www.iwpr.net, 19 April 2001.

⁷⁶ Op cit Latifi, 30 April 2001.

Imeri, share basically the same goals (reform of the constitution, equal rights for the Albanian community), they have a history of disagreements. A meeting between Imeri and Xhaferi in mid-April seemed to allow for greater optimism over co-operation between them. Both condemned the NLA's use of violence and agreed on dialogue and international mediation as the way to overcome the crisis.⁷⁷

Despite containing numerous ex-KLA leaders, the three main parties in Kosovo signed a declaration in March 2001 condemning the violence in northern Macedonia and urged the NLA to curb its military activities and work towards an accommodation with the Macedonian authorities. The declaration came as something of a surprise because NLA leaders, Ali Ahmeti and Amrush Xhemajli, were founding members of the KLA, and therefore old comrades and 'close friends' of many of the Kosovo Albanian political leaders. Indeed, there were some suggestions that their condemnation of the violence was merely an attempt to appease the international community.⁷⁸ Supporting the contention that elements within the KLA support the NLA action in Macedonia, were reports that an ethnic Albanian war hero and ex-KLA commander, Xhavit Hasani, had joined the NLA in Macedonia.⁷⁹

Whatever their merits, the statements appeared to have little immediate impact on the violence. The NLA initially seized control of a number of small villages near the border with Kosovo and demanded a change in the Macedonian constitution to guarantee ethnic Albanians (about one third of the population) equal status with the majority Slavs. This was rejected by the Macedonian Government, which said it would lead to the de facto division of the country.⁸⁰

The role of organised crime in the northern Macedonian conflict

Another explanation for the sudden emergence of the NLA in northern Macedonia is that the fighters' underlying motive is the protection of lucrative smuggling routes. According to one source, the ethnic Albanian insurgents "almost certainly had no political agenda", and were using the NLA as a bandwagon to prevent contraband routes from being disrupted after the Army of the Republic of Macedonia moved in to implement the border agreement signed with the FRY.⁸¹ Some reports suggested that there was little support for the NLA among Macedonian Albanians, and that the NLA did not really care about improvements in the status of ethnic Albanians and their language or in the decentralisation of the state. Ethnic Albanian leaders in Macedonia were also said to have no real influence over the NLA, and that the killings in particular would only increase suspicion that the rebels' real motives were criminal or secessionist.⁸² During our briefing from KFOR it was also suggested that the NLA's main motives were linked to smuggling activities rather than political ends. However, this is likely to be a marginal explanation for the current conflict in Macedonia. The last thing organised criminal gangs will want is tightening of borders and heightened security arrangements. KFOR also suggested that there were some networks involving former KLA activists and current NLA militants who believe in the Greater Kosovo ideology.

The response of the Macedonian security forces

The Macedonian security forces are few and poorly equipped, and there were initial discussions about arming civilians in the border areas to try and combat ethnic Albanian nationalist attacks. By March 2001 the number of people displaced by the fighting in northern Macedonia had risen above 30,200, the majority (16,100) fleeing to other parts of Macedonia and the rest to neighbouring countries (3,800 to Turkey;

⁷⁷ Ibid.

⁷⁸ O'Neil P, 'Kosovo leaders urge Macedonia negotiations', IWPR Balkan Crisis Report No 230, www.iwpr.net, 28 March 2001.

⁷⁹ IWPR staff reports from London and Macedonia, 'Albanian fighters on the war path', IWPR Balkan Crisis Report No 243, www.iwpr.net, 3 May 2001.

⁸⁰ 'Eight Macedonian soldiers dead in rebel ambush', RFE/RL, AP, ISN Security Watch, www.isn.ethz.ch, 30 April 2001.

⁸¹ Kusovac J, 'Macedonia erupts again', *Jane's Defence Weekly*, 28 March 2001.

⁸² Ordanoski S, 'NLA violence sabotages talks', IWPR Balkan Crisis Report No 243, www.iwpr.net, 3 May 2001.

2,600 to Albania and more than 4,500 to Kosovo).⁸³ By early April at least 2,000 residents had headed back to their homes after fighting died down.⁸⁴ However, a renewed outbreak of violence in late April, resulting in the deaths of eight Macedonian soldiers, prompted the Macedonian president, Boris Trajkovski, to fly to Washington to demand the support of the American administration for a complete and lasting defeat of the terrorist groups in Macedonia. He also called on KFOR to increase border controls.⁸⁵

Ethnic Albanian fighters responded on 3 May 2001 with another ambush, in which two more Macedonian soldiers were killed, and according to unconfirmed reports ethnic Albanian fighters kidnapped 20 villagers and proclaimed a 'free territory' near Lipkovo Lake.⁸⁶ For Macedonians, this grave incident was proof that the NLA was seeking to undermine the process of inter-ethnic dialogue initiated by President Boris Trajkovski.⁸⁷ The NLA was apparently frustrated by the slow pace of cross-party talks on improving their community's civil rights and seemed to be increasing its forces in preparation for another round of conflict.⁸⁸ In an interview with *Newsweek* magazine, a senior NLA representative, Commander Sokoli, said that the group was organising three brigades, comprising around 18,000 men, in readiness for a new campaign against security forces.⁸⁹ The Macedonian security forces also geared up for further clashes, and according to reports were preparing to launch a major operation against the NLA in the west of the country, close to the Kosovo border, coinciding with the return of Trajkovski from the USA in early May.⁹⁰

However, by May the NLA began withdrawing into Kosovo as the pressure mounted. But by allegedly passing themselves off as civilians, the NLA fighters largely evaded capture by US troops deployed within KFOR. In addition, as there is so little intelligence on NLA identities and movements, very few arms caches were seized.⁹¹ It seemed likely that the control of illicit SALW supply-routes in the Macedonian border area would remain extremely problematic: sealing off the border with Kosovo, itself a formidable task, was not a solution. Weapons had been freely available in the region for a long time and fighters could easily move around as civilians.⁹²

There were also accusations by the Macedonian Army that the NLA were using villagers as 'human shields' to deter attacks, and in response the army ordered the evacuation of several villages in or near the conflict zone.⁹³ However, ethnic Albanian villagers denied that the rebels were holding them hostage, and the majority of those ordered to evacuate were reluctant to leave their homes despite ultimatums from the Macedonian Army. There was no official information on army or military losses, and casualty reports do not make any distinctions between civilian and guerrilla wounded. Reports from a local doctor suggested around eight dead and 50 wounded, and that a significant number of the 58 casualties were civilians.⁹⁴ Such violence may have been a factor in the resignation of around 20 ethnic Albanian policemen, who are reported to have left the Macedonian police and given their weapons and uniforms to the NLA.⁹⁵

A deepening crisis and the peace deal

By mid-summer the conflict had spread to other parts of Macedonia. When the NLA ambushed a convoy of four military vehicles at the end of April 2001, killing eight

⁸³ 'Fighting in the Former Yugoslav Republic of Macedonia displaces more than 30,000: UN Refugee agency', UN press coverage, www.un.org, 26 March 2001.

⁸⁴ 'Former Yugoslav Republic of Macedonia re-opens border with Kosovo, UN reports', UN press coverage, www.un.org, 3 April 2001.

⁸⁵ Op cit RFE/RL, AP, ISN Security Watch.

⁸⁶ Op cit Ordanoski.

⁸⁷ Ibid.

⁸⁸ Op cit IWPR staff reports from London and Macedonia.

⁸⁹ Ibid.

⁹⁰ Op cit Ordanoski.

⁹¹ Lloyd A, 'US struggles to seize arms from Albanian rebels', *The Times* (London), 6 March 2001.

⁹² Op cit *Jane's Defence Weekly*, 28 March 2001.

⁹³ Aqifi N, 'Kumanovo braced for war', IWPR Balkan Crisis Report No 244, www.iwpr.net, 6 May 2001.

⁹⁴ Ibid.

⁹⁵ Ibid.

Macedonian soldiers and policemen, this led to a serious upsurge in ethnic violence. After the funerals in Bitola of four of those killed, hundreds of hooligans attacked – and in a number of cases demolished – shops, pubs and restaurants belonging to local ethnic Albanians; 30 rioters were arrested and it took police nearly six hours to bring the situation under control.⁹⁶ In addition to this vandalism, two ethnically motivated violent incidents in the aftermath of the ambush involved small arms – an armed attack on a café frequented by the ethnic Albanian opposition in Skopje, and a shooting at the guardhouse outside the Albanian embassy.⁹⁷ It was clear that SALW were available, to some elements at least, of the Macedonian population, and that this availability was not limited to the northern border area.⁹⁸

NATO announced that it was ready to provide assistance in Macedonia but regarded a peace agreement as an essential precondition. In particular NATO military planners began working on an operational plan for collecting and destroying weapons held by ethnic Albanian guerrillas as soon as political agreement ended the fighting in the republic. Controversially, a ceasefire pact organised between the leaders of the NLA and leaders of the leading ethnic Albanian parties in Macedonia in May 2001 was immediately denounced by the Macedonian government, the Macedonian language media, the EU, NATO and the US Embassy in Skopje. The Ohrid Agreement that ended the war was signed only months later, on 13 August 2001.

NATO's Task Force Harvest ran from 27 August to 26 September 2001 and collected 3,875 weapons within its 30 day mandate.⁹⁹ All weapons were handed in voluntarily by members of the NLA and the group was formally disbanded a few days later. Ali Ahmeti, commander of the NLA, encouraged all former fighters to reintegrate as ordinary civilians of the country.

Although Task Force Harvest was a political success, it made little difference in terms of the possession of weapons. Moreover, there are a great deal of unemployed 'young warriors' with no occupation other than further violence. As the NLA provided salaries to its fighters and there are no other jobs around, the prospect of fighting in the mountains may be quite tempting. More importantly, as one observer pointed out: "I can't estimate the quantities of weapons in their possession, but I have a clear sense that if Albanians need weapons, they can easily obtain them anytime".

The ratification of the peace deal took place after great delay in November and the so-called amnesty law, aimed at defusing ethnic mistrust and enabling the return of police to rebel-dominated territory, was only passed (under Western diplomatic pressure) in March 2002.

Links between organised crime and civilian possession of weapons

"The number of heinous crimes has substantially increased in the territory of the former Yugoslavia since 1991. Even Slovenia, which did not undergo a long and bloody war and whose citizens have a highly controlled gun culture, has experienced considerably more serious criminal offences committed with small arms and even long-barrelled weapons and grenades."¹⁰⁰

⁹⁶ Op cit Ordanoski.

⁹⁷ Ibid.

⁹⁸ An exposé by journalists in April 2001 pointed to the supply of very large quantities of weapons, several dozen tonnes of ammunition and military equipment, to a buyer inside Macedonia from Croatia. The Croatian government agency, RH Alan, shipped loaded planes to Macedonia, yet the Macedonian government denied having ordered the supplies, and the Croatian Government and RH Alan refused to give any further details regarding their 'business partners from Macedonia' or the deliveries. Bozic T, 'By night, "Ilyushins" loaded with ammunition are taking off for Macedonia', Zagreb Vecernji List, (FBIS Translated Text), 16 April 2001.

⁹⁹ These consist of: 4 tanks/APCs, 17 air defence weapon systems, 161 support weapon systems (mortar/anti tank), 483 machine guns, 3210 assault rifles and a total of 397,625 items of mines, explosives and ammunition.

¹⁰⁰ Op cit Gorjanc.

Serbia

Organised criminal networks in Serbia were clearly facilitated by the Milosevic administration, and many of the key figures in the emerging scandals were Milosevic appointees or colleagues.

Seizures of large amounts of hard drugs by Serb police (6,000 kg of pure heroin was seized in March 2001 alone) and the trial of a former Yugoslav diplomat for drugs smuggling point to the involvement of Milosevic-era officials.¹⁰¹ Mihalj Kertes, a senior Milosevic aide and the head of the customs service until October 2000, played a central role in supplying arms and funds to Serb rebels in Croatia and Bosnia in the run-up to the wars of 1991–95, according to one source. As the head of the customs service, he orchestrated the smuggling and arms-trade rackets devised to beat the UN sanctions imposed on Belgrade in 1992.¹⁰²

According to the Institute for War & Peace Reporting (IWPR), links between the Milosevic regime and Serbia's underworld date back to the early 1990s. At this time connections with a number of criminals, such as the infamous paramilitary commander Arkan, who also worked as a hit-man abroad for the Yugoslav secret services, were exploited to recruit and build paramilitary units outside the regular military and police structures. These units were then deployed as shock troops to do much of the dirty work of ethnic cleansing in the wars in Croatia, Bosnia and Kosovo.¹⁰³ With such training it comes as little surprise that the irregular Serb forces often appear to have mixed criminality with more political functions. Various sources note the strong links between parts of the military and organised crime, and especially the recruitment after 1995 of former soldiers who were no longer required by their nationalist regimes.¹⁰⁴

Having been protected from arrest and prosecution by the Milosevic regime, powerful groups of armed mafia barons carved up Serbia between them.¹⁰⁵ However, with the murder of the previous generation of big bosses, the Serbian mafia is said to have fragmented into about 80 small-time bosses, a few of whom appear to have already transferred their loyalties to the coming generation of Serbian leaders.¹⁰⁶ IWPR also claims that former gangsters who had been used in ethnic cleansing operations in the wars are now employed as security guards for key Democratic Opposition of Serbia (DOS) figures such as Prime Minister Zoran Djindjic and Milan St Protic, the new mayor of Belgrade.¹⁰⁷

In mid-March 2001, the Deputy Prime Minister, Nebojsa Covic, publicly accused the police of committing mass crimes in Kosovo, describing how “some units of the Serbian army and police took advantage of the war to conduct lucrative business with ‘enemy Albanian terrorists’”.¹⁰⁸

The spill-over of organised crime from Republika Srpska

Established criminal networks in Croatia are reported to reach across Bosnia-Herzegovina. These networks, involving smuggling, drugs and prostitution, are controlled from western Bosnia by extremists loyal to the old party of former Croatian president, Franjo Tudjman, who had influence over border police, veterans groups and the army.¹⁰⁹ At the moment western Bosnia is ‘a haven for criminals’, who are in some cases protected by the authorities, and any crackdown would spark a dangerous confrontation between radicals and police forces, while exposure of the connections between criminals, hard-liners and militants could spark a backlash and stoke

¹⁰¹ Traynor I, ‘Milosevic ally linked to heroin stash’, *The Guardian*, 16 March 2001.

¹⁰² Ibid.

¹⁰³ Judah T, ‘Gangster era over?’, IWPR Balkan Crisis Report No 195, www.iwpr.net, 14 November 2000.

¹⁰⁴ Wilkinson I and Strauss J, ‘Karadzic associates “exporting weapons”’, *The Daily Telegraph*, 19 April 2001.

¹⁰⁵ Op cit Judah.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Grihovic M, ‘Serbs balk at atrocity stories’, IWPR Balkan Crisis Report No 244, www.iwpr.net, 6 May 2001.

¹⁰⁹ ‘The Balkan crime problem’, STRATFOR, www.stratfor.com, 7 September 2000.

nationalism.¹¹⁰ Given these connections, it would seem likely that there is SALW diffusion among criminal organisations in Bosnia, and that nationalist elements in particular have access to SALW.

Organised crime is an equally serious problem in Republika Srpska. According to US Ambassador Richard Holbrooke “many SDS war criminals are still at large” and he branded the party a ‘criminal organisation’.¹¹¹ The ICG investigation into Bosnian war crimes found that many wartime SDS officials now occupy important positions in political and economic life and are blocking moves towards sustainable peace in Bosnia.¹¹² If organised crime is widespread throughout Republika Srpska, such groups are likely to be armed, given the large numbers of SALW supplied from Serbia during the Bosnian war. Moreover, if such levels of crime do exist in Republika Srpska, it would be surprising if it had not spread into Serbia, given their close cultural and political links.

Kosovo

Armed crime, violence and theft are widespread in Kosovo and allegations of corruption in the local administrative bodies are borne out by the lack of successful efforts to stop the gangs of criminals responsible.¹¹³ Organised gangs appear to operate with impunity,¹¹⁴ and this suggests that, at some level, they are endorsed by, if not connected to, the KLA, which has a measure of control over almost every aspect of daily life in Kosovo. A number of former KLA fighters applied for jobs with the KPS. Although the KPS was not meant to be a KLA successor organisation (unlike the KPC), a set of quotas was negotiated to ease the access of former KLA fighters into the new force.¹¹⁵

According to the ICG, the sheer weight of anecdotal and circumstantial evidence has made it hard to believe that the KLA is entirely untainted at any level, and sources believe that there is no doubt that the KLA has been involved in the orchestrated crime which has occurred since mid-1999.¹¹⁶ There are also widespread reports that ethnic Albanian civilians are at risk from ethnic Albanian irregular forces engaged in criminal and/or anti-social activities. Criminals connected to the KLA are likely to enjoy the protection of the remaining ethnic Albanian arms and fighters, and are probably using the routes originally used to smuggle arms into Kosovo for drugs.

Petrol and drugs were said to feature highly in organised criminal activity in Kosovo. In addition to receiving illicit duty-free petrol, petrol stations have been used as drop-off points for trafficking in women. UNMIK has started to address these concerns with a number of new measures, including a draft Prevention of Terrorism Act and new regulations on the petroleum industry. Drugs are becoming an increasing problem in Kosovo, and drug use is growing, particularly among young people. Cannabis has become popular and there is now a ‘well-organised’ distribution network supplying hundreds of clients.¹¹⁷ Drugs are regularly seized: in January 2002 65 bags of heroin were confiscated near Pristina, and seizures continue in the Gnjilane area.¹¹⁸ Drugs enter Kosovo by two routes, either through Albania or Macedonia, and international narcotics experts believe the province’s drug smugglers are handling up to five tonnes of heroin a month, more than twice the quantity they were trafficking before the war.¹¹⁹

Along with drugs, the illegal possession of arms is also ‘sharply on the rise’, as are theft

110 Ibid.

111 Op cit Cvijanovic.

112 Ibid.

113 Islami N, ‘Kosovo crime wave’, IWPR Balkan Crisis Report No 210, www.iwpr.net, 17 January 2001.

114 Op cit ICG Balkans Report No 88; ‘Disturbances erupt in Mitrovica as Annan’s new report warns of threat of violence’, UN press coverage, www.un.org, 14 March 2001.

115 *Wag the dog: The mobilisation and demobilisation of the Kosovo Liberation Army*, BICC, brief 20, 2001.

116 Op cit ICG Balkans Report No 88.

117 Mushkolaj I, ‘Kosovo drug threat’, IWPR Balkan Crisis Report No 142, www.iwpr.net, 23 May 2000.

118 ‘Kosovo: UN Mission reports first conviction against trafficking of women’, UN press coverage, www.un.org, 5 February 2001.

119 Op cit Mushkolaj.

and banditry: masked, armed men frequently burst into the homes of Kosovo Albanians and carry off their money under threat of death.¹²⁰ Varied sources confirm that the widespread availability of weapons is a major factor in crime in Kosovo.¹²¹ A 'legitimate fear' is that there could be an emergence of a Greater Albania 'anti-state', a chaotic area controlled by Mafiosi and armed men of one sort or another in ethnic Albanian regions.¹²² Indeed, the expert group were given a graphic description of the problems by Paul Turner, head of the Pristina Office of the UK's Department for International Development, who described how his HQ had only recently been the subject of an armed robbery.

KFOR officials admitted that they do not have the resources to target organised criminal activity on a regular basis. Long-term investigations, such as 'Operation Ghibli' in which ten Kosovo Albanians were arrested by KFOR in 2000 for taking part in a criminal association and for illegal possession of weapons, appear to be the exception rather than the rule.¹²³

However, some members of the international community we spoke to in Pristina suggested that the extent of organised criminal activity among Kosovo Albanians is often exaggerated, especially by the international media and among elements of the Serbian community. One said that the situation was no worse than in Bulgaria or even the US. Others suggested that Kosovo was not a major illicit trafficking route, with the exception of some limited trafficking in women (mainly involving Moldovan, Ukrainian and Russian women) and the smuggling by 'disorganised' criminals of duty-free goods, such as petrol and cigarettes. It was also suggested that the situation had improved since the war in Kosovo. In the Milosevic period, many ethnic Albanians were excluded from the formal economy and were forced through economic necessity to work in the informal or the 'grey' economy.

Many people we spoke to emphasised the regional nature of organised crime and the strong links between ethnic Albanian and Serbian gangs. One member of the international community described the organised criminal fraternity as containing some of the 'most ethnically tolerant' members of each community.

The cultural encouragement of violence and illicit gun use

Ethnic Albanians in Kosovo and Serbia

It seems logical to suggest that after prolonged conflict and ethnic persecution the ethnic Albanian community in Kosovo will regard violence as a near norm, and illicit gun use as necessary to ensure physical security. Certainly a lot has been said and written recently to support this view of ethnic Albanians, not only in Kosovo but in southern Serbia as well. UN Secretary-General Kofi Annan noted that while most Kosovo residents abhor the violence, they remained unwilling to co-operate with UNMIK in tackling the causes and perpetrators, doubtless fearing retribution.¹²⁴ Similarly, KFOR Commander General Juan Ortuno of Spain has said that Kosovo has a weapons culture where to own a gun is considered normal: "It is this that we must address if we are to rid Kosovo of the tools of violence."¹²⁵ During our briefing with KFOR we were also told about the gun culture among ethnic Albanians, and a comparison was made with Texas, where everyone is said to have a weapon.

This alleged cultural norm is often ascribed to the region as a whole. A retired military officer from Slovenia, Milan Gorjanc argues that even before the conflicts in the FRY, the long tradition of gun culture in the Balkans linked personal possession of SALW

¹²⁰ Op cit Islami.

¹²¹ Ibid.

¹²² Judah T, 'Greater Albania – a fading dream', IWPR Balkan Crisis Report No 243, www.iwpr.net, 3 May 2001.

¹²³ UNMIK Chronology, www.un.org, 23 August 2000.

¹²⁴ Op cit UN press coverage, 14 March 2001.

¹²⁵ Piatt G, 'KFOR blows up arms cache', *European Stars and Stripes*, 12 September 2000.

with personal security, and the security of the family, clan and tribe.¹²⁶ It is noted that for some ethnic groups in the region, small arms are proof of masculinity, identity and social status, even forming part of the national costume. He goes on to argue that in the numerous areas where law enforcement remains ineffective, SALW can become a means to achieve some kind of right, vengeance or obtain or preserve goods for improving personal standards of living.¹²⁷ And he concludes that in the still uncertain future and security of many Balkan communities, combined with their 'deeply-rooted traditional gun culture', the voluntary collection of weapons is an 'entirely utopian' prospect.¹²⁸

On first reading therefore it seems safe to assume that a decade of vicious, ethnically motivated conflict will have only strengthened such cultural perceptions. This was certainly the opinion of many of the people among the international community we interviewed in Pristina and elsewhere. However, there are a number of reasons for believing that the extent and scope of a gun culture among ethnic Albanians in Kosovo may be exaggerated, and where it does exist, is unlikely to be the main destabilising factor.

First, in the absence of proper evidence, it is wrong to assume that the gun culture that is said to dominate large sections of Albanian society will also apply in exactly the same way to ethnic Albanians living in Kosovo. There are likely to be huge cultural and economic differences between the two societies, as became clear to large numbers of the 445,000 Kosovo Albanians who took refuge in Albania during the Kosovo war. They were reportedly horrified by living conditions in a country that many had once idealised as the motherland. They were shocked by its poverty, corruption and crime.¹²⁹

Second, the ethnic Albanian community in Kosovo is not homogeneous. The extent of male attitudes to violence and links of gun possession with masculinity and blood feuds is likely to differ on class, gender and rural/urban lines.

Third, although most of our interviews in Pristina were with members of the international community, the few ethnic Albanians we did discuss this with also challenged the perception of a dominant gun culture within all parts of their community.

Finally, the traditional gun culture is only one of three reasons why civilians possess weapons in Kosovo. Another reason is the growing problem of weapons possession among urban youths either as part of gangland or criminal activity. Although this might be described as a modern variant of the traditional gun culture, its roots lie in the relatively recent availability of modern weapons, the growth in organised crime and the population explosion in urban centres such as Pristina (which doubled in size after the end of the conflict to around 500,000–600,000 people). This population explosion in Pristina has presented its own problems. Many of the former rural dwellers come from a 'self-policing' culture and have very little experience of urban policing. Moreover, many of them are now living in cramped tower blocks on the outskirts of the city, often armed with weapons brought from their rural homes.

Probably the most important reason, however, is that weapons are being held by civilians and more formally (in terms of weapon caches) by former KLA activists for reasons of personal and collective security. Ultimately, there is insufficient trust among the ethnic Albanian community, both in the existing law enforcement provisions within Kosovo and in the longer term political settlement with Serbia, to hand over these weapons to UNMIK.

The question of a gun culture among the ethnic Albanian population of Kosovo is more complicated than usually portrayed by the international community and media, and by parts of the Serbian community and media. The difficulty is that there seems to

126 Op cit Gorjanc.

127 Ibid.

128 Ibid.

129 Op cit Judah, 3 May 2001.

have been very little, if any, systematic research undertaken on this issue. This has meant that local, regional and international opinion has largely been shaped by anecdote and rumour. We urgently recommend that research be undertaken on this important issue and individual members of the expert group have agreed to explore the possibility of undertaking or commissioning such research in the near future.

Serbian communities

Many of the same cultural attributes and especially the links between gun possession and masculinity and blood feuds are also applied to many Serbian communities living in Kosovo and parts of Serbia itself. Clearly, a strong gun culture developed during the Milosevic period, but this should be more correctly associated with organised crime and the 'terror tactics' of his regime, within Serbia, Kosovo and parts of Bosnia. Intimidation and physical attacks on both prospective witnesses and Serbia's newly appointed ministers by Milosevic loyalists in early 2001 provide a vivid reminder of this legacy. But such threats of retribution are principally aimed at deterring the new administration from extraditing alleged war criminals.¹³⁰ Former Milosevic loyalists in the security forces may have been deprived of their formal titles, but their tactics of intimidation are said to survive outside the formal structure of governance.¹³¹

Again generalisations of a gun culture among Serbs must be treated with caution, and further research is a prerequisite to reaching any definitive conclusions on the scope and nature of such a culture. Members of the expert group are therefore discussing the possibility of undertaking or commissioning similar research in the Serbian enclaves in Kosovo and in other countries in the region.

Other background factors

Economic factors

In addition to the widespread human rights abuses, death and destruction caused by SALW, the diffusion of such weapons can undermine economic development by creating or sustaining an insecure environment. They also impede efforts to demobilise combatants and often lead to high levels of banditry and criminality. Conversely, the absence of economic opportunities is likely to impede disarmament efforts. Thus, there are clear links between economic issues and SALW diffusion.

Serbia

In the post-Soviet era Yugoslavia had enormous potential to become a key trading hub in South Eastern Europe, but the 1991 secession of Slovenia, Croatia, Bosnia and Macedonia followed by over a decade of conflict in the Balkans shattered many traditional trading ties. Within Serbia, the 1999 conflict with NATO further damaged an economy already bound by sanctions and physically severed the transit routes linking Greece to Europe.¹³² Kostunica's accession to power has resulted in the lifting of sanctions and over time more normal economic patterns may reassert themselves as the FRY returns to the 'European family'. The European Bank for Reconstruction and Development, the International Monetary Fund and the UN were the first to offer the FRY membership,¹³³ and by the end of 2000 the suspension of the membership of the FRY had been revoked in all key international organisations. The FRY was also admitted to the Stability Pact at this time. In an economy ruined by mismanagement and debt,¹³⁴ positive signs have included improved relations between Serbia and Croatia. After talks earlier in 2001 between their respective presidents, the two countries appear to be cautiously drawing closer together, a development which will

¹³⁰ 'Risks of vendettas deterring Yugoslavia from extraditing war criminals', STRATFOR, www.stratfor.com, 6 February 2001.

¹³¹ Ibid.

¹³² 'Yugoslavia: redrawing the Balkan map', STRATFOR, www.stratfor.com, 17 October 2000.

¹³³ Ibid.

¹³⁴ Op cit ICG Balkans Report No 108 p 33.

be vital to improving their economies.¹³⁵

However, the economic situation for the people of Serbia remains difficult. In the first six months of the new presidency the price of commodities rose sharply: the price of bread increased six-fold.¹³⁶ Prime Minister Djindjic called on people to be “patient and frugal”, but in April 2001 unions organised protests and strikes, especially in the public sector, in response to the imposition of a pay freeze.¹³⁷

Another Milosevic legacy is a bloated infrastructure of ministries, government buildings and accommodation designed for running a country three times bigger than it is now. The government structures and bureaucracy remain oversized despite the new government’s plans for a speedy privatisation process aimed at achieving an efficient economy in five to seven years.¹³⁸ Serbia’s new administration plans to integrate the FRY into international institutions, and the government is currently drafting bills on banking and about 50 legislative bills on macroeconomic policy, in an effort to open the market, remove administrative barriers and promote management in companies.¹³⁹ The budget presented by the new administration in March 2001 envisaged 20 percent less employees in state services, and espoused the principles of saving, both private and federal, the establishment of salary scales and combating the grey economy.¹⁴⁰

The ‘grey economy’ is a priority for an administration attempting to resurrect a damaged economy. Corruption is endemic in Serbia, and according to a survey conducted in 2000, over half the Serbian population believe that bribery is part and parcel of daily life. Some 60 percent of respondents said that bribery was the only way of getting anything done, and 70 percent believed that only cheats and criminals fare well in Serbian society.¹⁴¹ In the short-term, therefore, the Serbian economy is likely to remain heavily dependent on international financial assistance, which is likely to be conditional on the success of anti-corruption initiatives.

Kosovo

At the beginning of 2001, Kosovo’s economy was reported to be in ruins¹⁴² and poverty was widespread.¹⁴³ There were few factories in production, unemployment was almost 80 percent and there were no state provisions for pensions. The average monthly salary of those in work was about DM200: enough to buy bread, milk and sugar for a four-member family.¹⁴⁴ Laws and regulations on trade were outmoded, physical access to the region was limited and there were virtually no banking or insurance systems. During 2000 the number of NGOs operating in Kosovo halved, taking with them much needed foreign currency. As one observer noted, the outlook seems bleak: “There are dozens of applicants for each job, most of them overqualified. If no new jobs are created, many young Kosovars will turn to crime, or will be ready volunteers for Serb-baiting or guerrilla warfare.”¹⁴⁵

However, the economic picture is not quite as gloomy as this suggests. Many people in the international community explained to us that the people of Kosovo are its key future resource, particularly the young and educated ethnic Albanians who have been exposed to entrepreneurial practices in Western countries and are now returning to the province. The international administration is also optimistic about the future,

¹³⁵ Hedl D, ‘Croatia and Serbia move closer together’, IWPR Balkan Crisis Report No 216, www.iwpr.net, 8 February 2001.

¹³⁶ Cvijanovic Z, ‘More freedom less bread’, IWPR Balkan Crisis Report No 234, www.iwpr.net, 2 April 2001.

¹³⁷ Ibid.

¹³⁸ ‘Privatisation law’, Serbia Info News, www.serbia-info.com, 22 March 2001.

¹³⁹ ‘Integrating the Serbian economy into international institutions’, Serbia Info News, www.serbia-info.com, 20 March 2001.

¹⁴⁰ ‘Serbian parliament session began’, Serbia Info News, www.serbia-info.com, 27 March 2001.

¹⁴¹ Bjekic V, ‘Serbian corruption endemic’, IWPR Balkan Crisis Report No 152, www.iwpr.net, 29 June 2000.

¹⁴² Maresca JJ, ‘Fight the investment battle in Kosovo’, *International Herald Tribune*, 8 March 2001.

¹⁴³ Op cit Islami.

¹⁴⁴ Ibid.

¹⁴⁵ Op cit Maresca.

suggesting that the emergency reconstruction phase in Kosovo is drawing to a close, and that the economy had been shifted towards long-term sustainable development.¹⁴⁶ External money transfers from the diaspora community have been an important beneficial factor (there are 21 Western Union offices in Pristina alone) and the introduction of the German mark also made a positive difference, particularly to small business enterprises.

We gained a sense of optimism about the future from the high level of house building in the province. Of the 120,000 houses that were destroyed during the conflict, around half have been rebuilt or repaired (30,000 through EU and other international donor support for 'subsidised building materials' and the other 30,000 through private finance, largely raised by the ethnic Albanian diaspora). The three staples of the Kosovo economy so far have been remittances from abroad (from international donors and the diaspora) small and medium enterprises and agriculture.

The process of privatisation and market reform is seen by many analysts as critical to restarting the Kosovo economy and to channelling investment into legitimate economic activity and away from the quasi-legal grey economy.¹⁴⁷ The distortion of local markets due to the high salaries paid by the international community is a problem as, we were told, is the poor regulation of economic development by UNMIK. It was also suggested to us that it would be difficult to generate a 'public sector service ethos' in Kosovo because loyalties are first and foremost to the family rather than the state. Underlying this and the other economic problems, however, is Kosovo's unresolved status – until the province's future is determined it is unrealistic to expect either successful moves toward reconciliation or long-term investment.¹⁴⁸

One international NGO representative we spoke to put it another way: in economic and political terms "the international community is the problem". He also argued that the poor quality of administration would be improved if it was returned to local control. He stressed the example of the parallel administration set up by ethnic Albanians in the early 1990s during the period of central rule from Belgrade. However, an UNMIK official suggested that this parallel 'structure' was not a proper administration and only covered education and health. He also suggested that the continuing uncertainty encouraged those elements within Kosovo arguing for a Greater Albania.

Montenegro

Montenegro's actions to support Serbia's opposition parties during the Milosevic era resulted in Belgrade imposing economic sanctions and regular blockades of trade between the two republics. Podgorica responded in kind, taking control of customs in Montenegrin territory and refusing to pay customs and federal taxes into the federal budget: the constitution of FRY was disavowed as relations between Serbia and Montenegro became confederate in practice.¹⁴⁹ As Milosevic aggravated relations with the US and the EU, Montenegro's 'opposition' role brought the province attention, political support, international promotion and considerable international and technical aid – Montenegro became the second largest recipient of US aid per capita in the world.

With international assistance the Montenegrin authorities began a process of legislative change with the aim of harmonisation with EU law. The effects of these changes were very modest, with GDP dropping significantly, unemployment rising steeply and no major economic sectors undertaking privatisation seriously. The gap between Serbia and Montenegro continued to widen, and the single Yugoslavian market finally collapsed when Montenegro introduced the German mark as legal tender and later

¹⁴⁶ 'Security Council condemns ethnic violence in Kosovo', UN press coverage, www.un.org, 13 March 2001.

¹⁴⁷ 'Kosovo report card', ICG, 28 August 2000.

¹⁴⁸ Ibid.

¹⁴⁹ Op cit Simic p 5.

eliminated the dinar.¹⁵⁰ (The euro was introduced in Montenegro in January 2002.) Despite these moves to distance itself from Serbia, the Montenegrin economy has suffered, with statistics from 2000 showing a fall of 60 percent in industrial production in the last decade, leading to the conclusion that the tiny state's economy is entirely dependent on Yugoslavia.¹⁵¹

There is one sector of the Montenegrin economy that flourished, in spite of the international trade sanctions against the FRY and the chaos in Bosnia, Kosovo and Albania: the grey economy. The grey economy contributed to the establishment of a new business class, whose interests are said by one analyst to be "closely interconnected with the interests of Montenegrin authorities".¹⁵² While there is little evidence to confirm this, complaints from neighbouring states about the high levels of crime in Montenegro bear witness to the strength of organised crime in the province.

Community cohesiveness and demographics

Serbia

Serbia is a country of 9.9 million people (Serb 66 percent, Albanian 17 percent, Hungarian 4 percent – mainly in Vojvodina).¹⁵³ The main cleavages in Serbian society are a legacy of the Milosevic period, and according to the ICG 'deep strains of nationalism' continue to run through a country 'facing enormous challenges'.¹⁵⁴ Given that the old regime placed networks of Milosevic loyalists in power, very few of these loyalists have left their positions voluntarily, and many of Milosevic's policies have yet to be significantly altered at the federal or republican level.¹⁵⁵ Thus there have been some tensions within the new administration regarding the removal of Milosevic supporters, and the continuing economic problems have not helped cement popular support for the DOS regime. The ICG concludes that 'reformers and hard-liners are struggling with each other to define Serbia's place in the world'.¹⁵⁶

The main split within the Serbian authorities is represented by President Kostunica and Prime Minister Djindjic, who are said to disagree on a range of substantive issues and barely conceal their dislike for one another.¹⁵⁷ In general, Kostunica takes a more nationalist and less conciliatory stance, particularly with regard to the West, while Djindjic is prepared to compromise on the international community's demands and is pursuing a more radical reform programme than Kostunica would wish. The two leaders have accused each other of exceeding their authority. Djindjic claims Kostunica has been exerting far more influence than his constitutional powers allow. Meanwhile, Kostunica has berated Djindjic for setting up specialist government agencies to sideline his supporters.¹⁵⁸

Other important areas in which the two leaders are said to differ include:

- The war crimes tribunal – Kostunica is critical of the Serbian government's willingness to co-operate with the International Hague Tribunal, which he believes is political and anti-Serb.¹⁵⁹
- The conflict in southern Serbia – Kostunica was unhappy about the involvement of Deputy Prime Minister, Nebojsa Covic, in the ceasefire negotiations, and critical of his decision to ban pro-Kostunica VJ generals from making public statements on the crisis.¹⁶⁰

¹⁵⁰ Op cit Simic p 7.

¹⁵¹ *Serbia Loses Another One*, IISS Strategic survey, 1999/2000.

¹⁵² Op cit Simic p 7.

¹⁵³ *Military Balance 2000/2001*, pp 107–108.

¹⁵⁴ Op cit ICG Balkans Report No 108 p 33.

¹⁵⁵ Op cit ICG Balkans Report No 108 p 34.

¹⁵⁶ Op cit ICG Balkans Report No 108 p 33.

¹⁵⁷ Cvijanovic Z, 'Serbian power struggle', IWPR Balkan Crisis Report No 230, www.iwpr.net, 28 March 2001.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

- US pressure to stop assistance to the Republika Srpska army – Kostunica believes the request violates the Dayton Agreement, while Djindjic is thought to be willing to co-operate.¹⁶¹
- Montenegrin independence – both leaders advocate ‘minimal federation’, a Yugoslav state with its constituent republics sharing decision-making on foreign, defence and monetary policy and represented by one president.¹⁶² However, Kostunica would like to see this happen soon and is not prepared to countenance any other solution, while Djindjic is prepared to wait and has been careful not to rule out the Montenegrin president’s suggestion of a union of independent states.

The extent of change in Serbian nationalist ideology

There are continuing doubts as to whether the new administration represents a significant change in popular Serbian nationalist ideology. According to the ICG: ‘With the exception of a relatively small elite within the DOS coalition, the great majority of Serbs have shown no signs yet of reassessing the xenophobic philosophy of their previous leadership or the methods used to pursue its war aims. Indeed, the DOS victory in the 24 September 2000 federal election, and Milosevic’s overthrow on 5 October 2000, should not be read as a rejection of strong nationalist sentiments. The DOS won not because the Serbs had become liberal, but because the mainstream opposition parties finally united, partly due to international guidance and pressure, behind a single candidate, and because Milosevic lost the support of the main strongholds of nationalism – the VJ, the Serbian Orthodox Church and the Serbian Academy of Arts and Sciences. This loss of support seems to have had much more to do with Milosevic’s failure to win his wars, than any revulsion at Serbia’s belligerence as such.’¹⁶³

Serbian reluctance to accept responsibility for past war crimes was offered by commentators as another example of the failure to embrace real political and ideological change. Although the government made some hesitant efforts to bring Serbian war criminals to justice, it was said to be finding it difficult to drum up the support of the populace.¹⁶⁴ Action on war crimes was vital for international financial aid and membership of international organisations, but the Serbian population, after ten years of propaganda under the former Milosevic regime, were loathe to believe that Serbians committed any war crimes at all.¹⁶⁵ Theatre productions and television programmes began to publicise the atrocities committed by Serb soldiers in Kosovo and Bosnia, but public reaction initially remained largely critical. A BBC documentary on Srebrenica, for example, sparked hundreds of calls and ‘the biggest criticism’ the broadcaster, TV ANEM, had since it started two years ago. Viewers asked how much the station had been paid ‘to show such lies’ and claimed that this was yet more evidence that the entire world is against the Serbs.¹⁶⁶

Kostunica also appears, initially at least, to have continued Milosevic’s policy of aiding Serb extremists in northern Mitrovica in Kosovo, from whom he received significant electoral support. This included working actively against Kosovo Serb moderates seeking common ground with UNMIK and calling publicly for the return of FRY police and soldiers to Mitrovica.¹⁶⁷

However, recent events suggest that the tide may be turning. In May and June 2001 stories began to emerge in the Yugoslav press of war crimes committed in Kosovo and of Milosevic’s personal role in covering them up.¹⁶⁸ This first hard evidence of mass killings of Kosovo Albanians clearly shocked the Serbian public, and made many of

¹⁶¹ Ibid.

¹⁶² Cvijanovic Z, ‘Belgrade leaders spar over Montenegro’, IWPR Balkan Crisis Report No 244, www.iwpr.net, 6 May 2001.

¹⁶³ Op cit ICG Balkans Report No 108 p 34.

¹⁶⁴ Op cit Grihovic.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Op cit ICG Balkans Report No 108 p 37.

¹⁶⁸ ‘One town’s dark secret may lead to a war crimes trial for Milosevic’, *International Herald Tribune*, 2–3 June 2001.

them more sympathetic to Milosevic's extradition to The Hague.

Finally, the establishment of the Yugoslav Commission for Truth and Reconciliation by President Kostunica in December 2001 will hopefully lead many more Serbian citizens to fundamentally reappraise the role of their security forces in the Kosovo conflict, and possibly the other conflicts in the region.¹⁶⁹

Divisions in the Presevo Valley

Support for the actions of the UCPMB by the mainly ethnic Albanian population in the buffer zone was by no means universal. While there were clearly elements of the local population who supported and aided the fighters, others expressed a desire for the region to be demilitarised, to remain as part of Serbia and for an ethnically mixed local police force to be formed. Indeed, many were said to be positive about the Serbian peace plan for the region, seeing no link between the problems in southern Serbia and Macedonia.¹⁷⁰ However, local Serbs and ethnic Albanian are unlikely to mix socially and there is a great lack of trust between the two peoples.¹⁷¹ Serbs in the area keep to their own enclaves, in spite of the heavy presence of Serb police and VJ units: they are doubtless wary of the fate of several Serbs kidnapped and held hostage by the UCPMB.¹⁷²

Kosovo

The main divisions within Kosovo run across ethnic lines. While many Serb families fled Kosovo with the departing Yugoslav troops, about 100,000 Serbs remain, scattered in isolated enclaves throughout the province as well as in a larger pocket (where there are approximately 60,000 of them) north of the Ibar river. This area, straddling the border of Serbia and including the key city of Mitrovica, is the most secure, while the isolated Serb enclaves are heavily reliant on KFOR for their security. In addition, most of the Kosovo Serb refugees in camps within Serbia are thought to want to return home (they are often treated as second-class citizens in Serbia), thereby complicating an already difficult situation.

After the introduction of 'tax collection points' at the Kosovo/Serbia border, and a new case of ethnic violence (the bombing of the 'Nis Express' bus) at the beginning of 2001, both inter-ethnic relations and UNMIK/Kosovo Serb relations reached an all-time low. Although some inter-ethnic dialogue was taking place among community leaders in meetings arranged in the US, Hungary, Greece and other neutral venues, these meetings rarely extended beyond rhetorical calls for improved dialogue. The OSCE initiated some inter-ethnic dialogue at the grassroots level, but such initiatives remained fragile and were often limited to one-off meetings or events (such as the protest march by ethnic Albanians from the village municipality of Livadica one week after the Nis bus bombing). Moreover, other minorities in the province, especially the Roma (who were seen as collaborating with the Serbs), have been targeted by extreme elements within the two main ethnic communities. The Roma also suffer from limited freedom of movement and poor services (such as education), although conditions for the Roma in the south and west of Kosovo, and especially Prizren, are generally better.

In the Serb community, UNMIK is seen as institutionalising the separation of Kosovo from the FRY at the expense of the Serb minority. In the working group established in February 2001 to draw up the legal framework for the new Kosovo constitution, the Serb representative withdrew when none of his suggested amendments were accepted. Serb leaders usually turn to Belgrade for assistance – and Belgrade usually obliges, for example, by denouncing the legal framework. Moreover, by its own admission, UNMIK has been unable to administer the northern enclave around Mitrovica. Thus,

¹⁶⁹ 'Good news: Yugoslavia's truth and reconciliation commission', TFF PressInfo 139, 11 December 2001.

¹⁷⁰ Op cit Sunter.

¹⁷¹ Ibid.

¹⁷² Ibid.

the Serbian community has also talked about setting up parallel structures and even cantonisation along Bosnian lines.

While KFOR maintains an armed presence in the north, the status of policing (both UNMIK police and KPS) is unclear. In this situation, the Serb minority often relies on a paramilitary force – the ‘bridge watchers’ – for self-protection. Little is known about this group, but rumours suggest that the Serb minority retain substantial weapons caches, left behind by departing Yugoslav forces. For a long time the Serb community in Kosovo appeared to be united in its opposition to the international community. This masked large intra-community divisions (which tend to mirror some of the political divisions in Serbia proper). The main division exists between the Serb National Council in Mitrovica (which draws heavily on the ‘bridge watchers’ and other largely pro-Milosevic supporters) and many of the more vulnerable Serbs in the enclaves in other parts of Kosovo, together with those supporters (in Mitrovica and elsewhere) of Kostunica’s Democratic Party of Serbia. The November 2001 elections illuminated these existing divisions within the Serb community. Those who voted represent a constituency that is open to co-operate with UNMIK, and overall it seems that the influence of the ‘rejectionists’ is waning. However, the continued ability of the ‘bridge watchers’ to marshal Serbs for midnight protests demonstrates that radicals remain active in the community.

There are also different factions within the majority Kosovo Albanian community. There are a number of different ethnic Albanian political parties within Kosovo, with differing or competing agendas. Ibrahim Rugova’s LDK is by far the largest political party – as confirmed by the November 2001 elections – followed by the PDK (which represents the main body of the old KLA command and diaspora) and the AAK. Other smaller ethnic Albanian parties, such as the National Movement for the Liberation of Kosovo, play no great role in comparison.

There are also divisions in the KPC, the unofficial reincarnation of the KLA. There is particular resentment towards those policemen in the KPC who previously served in the Yugoslav Kosovo police, and the PDK is openly hostile towards these officers, whom it brands ‘collaborators’.¹⁷³ Divisions within the Kosovo Albanian ‘authorities’ also continue over the control of certain lucrative assets, such as petrol stations, and allegiance to the ‘Greater Albania’ objective. Although the latter is officially no longer a stated objective of the KLA, it remains a sacred concept to some individuals within Kosovo Albanian mainstream political parties, local administration and the KPC.¹⁷⁴

Finally, there are urban and rural divisions. Following the huge influx of ethnic Albanians from rural areas into Pristina the rural/urban dynamic in Kosovo has changed dramatically, with a number of economic and political consequences, including problems for gun control in the capital.

The ‘Greater Albania’ ideology

The concept of a Greater Albania has without doubt been an influential part of the ideology behind various militant Albanian movements. However, not a single mainstream party in Kosovo, Albania or Macedonia is publicly in favour of a Greater Albania or a Greater Kosovo. According to IWPR, the creation of a Greater Albania, comprising Albania itself, Kosovo, the Presevo Valley, western Macedonia and parts of Montenegro, simply does not motivate a great many Albanians.¹⁷⁵ According to Remzi Lani, director of the Albanian Media Institute: “If I said there were no people who dreamed of a Greater Albania I would be wrong. But it is not a popular idea. If the Security Council or an international conference offered us a Greater Albania we would not refuse it, but on the other hand we would not fight for it either.”¹⁷⁶

¹⁷³ Op cit ICG Balkans Report No 88.

¹⁷⁴ Ibid.

¹⁷⁵ Op cit Judah, 3 May 2001.

¹⁷⁶ Ibid.

For very similar reasons the idea of a Greater Albania is not popular in Kosovo either. Despite being from the poorest province of Serbia, the 445,000 Kosovo Albanians who took refuge in Albania during the Kosovo war were sorely disappointed by what they found there. In addition, the actions of those ostensibly fighting for a Greater Albania, the NLA in northern Macedonia in particular, dealt a severe blow to Kosovo's hopes for early independence.¹⁷⁷ The NLA is representative of the differing objectives and divisions within Kosovo Albanian politics.

The rise in organised crime has also led to territorial squabbles between gangs, which have on occasion led to violence and murder. Popular suspicions that local administrators are linked to criminal groups are likely to grow.

Montenegro

Montenegro's national minorities, 38 percent of the 655,000 population, were expected to vote for their country to remain in Yugoslavia during the elections in April 2001. The Serb minority (around 9 percent) and Montenegrins who define themselves as Montenegrins of 'Serb origin' (20 percent) were also expected to oppose secession; many of the latter supported independence because of the disastrous policies pursued by Milosevic, and since his fall have had a change of heart.¹⁷⁸ In the end however, the secessionist coalition defeated its pro-Yugoslav opponents, albeit by a mere 1.2 percent. It may have been the Albanian minority (approximately 7 percent of the population) who bucked the trend and voted for independence.¹⁷⁹

Muslims make up 16 percent of the population. According to IWPR, this minority group though traditional foes of the Serbs, want Montenegro to stay in Yugoslavia in order to preserve the Sandjak, their main area, which straddles the Montenegrin/Serbia border.¹⁸⁰ The attention shown to the Muslims suggests the Djukanovic government fully appreciated their importance in a referendum. The administration restored a mosque in Plav to its former use – it was being used as a police station – and officials were reported to be making frequent conciliatory visits to Muslim municipalities. But the government insisted that winning international backing for independence and outmanoeuvring the Montenegrin opposition (which opposes the referendum) was a greater priority than wooing minorities.¹⁸¹

The northern pro-Serbian elements in Montenegro – formerly pro-Milosevic and currently supporters of the SNP – threatened to retaliate by seceding from Montenegro if a referendum led to secession.¹⁸²

Secession, and any radical resistance in the north of Montenegro, the Sandjak region, would also have serious implications for the Muslim Slav community. According to the ICG, in response to Serb nationalism, many of Sandjak's residents have looked to their co-religionists in Bosnia to provide a sense of identity, so much so that the Sandjak Muslims have openly revived the traditional term 'Bosniak' to describe themselves. Should Montenegro secede, Serbian Sandjak is likely to be destabilised – particularly if the Muslim population continues to suffer broad discrimination.¹⁸³ However, the March 2002 agreement establishing the new entity of 'Serbia and Montenegro' (as discussed above) appears to have dampened secessionist moves for the time being.

177 Ibid.

178 Filipovic M, 'Minorities' votes critical in Montenegro poll', IWPR Issue 230, www.iwpr.net, 28 March 2001.

179 Cabarkapa, S, 'Monenegro: North Celebrates New State', IWPR Issue 324, www.iwpr.net, 15 March 2002.

180 Op cit Filipovic M, 28 March 2001.

181 Op cit Filipovic M, 28 March 2001.

182 Op cit ICG Balkans Report No 108 p 37.

183 Ibid.

Structure and quality of police and security forces

Serbia

Traditionally, control of the VJ rests with the president, while the Serbian police are responsible to the prime minister. Military expenditure was estimated at 106 billion dinar in 1998 (\$17 bn) and 174 billion dinar in 1999 (\$13 bn).¹⁸⁴ It is presumed that these figures cover spending on all the key security forces (ie the police and the armed forces). As in other areas of the Serbian public sector, the police and security forces remain dominated by the legacy of Milosevic's corrupt government practices. The Milosevic regime filled key posts in the security forces with loyal followers and when the regime broke up there was uncertainty. In early January 2001, Belgrade's security forces were reported to be in a state of disarray and suffering from widespread desertions.¹⁸⁵ Various sources support the contention that the Serbian security forces, particularly the police (MUP) and state security, remain highly compromised by their criminal activities under Milosevic, including political assassinations, smuggling, car theft, prostitution, extra-legal actions against the opposition and media, as well as 'ethnic cleansing' and the actions of their special paramilitary forces in Croatia, Bosnia and Kosovo.¹⁸⁶

However, the new regime is trying to break old practices and power structures, and although it is still too early to say for certain, some progress appears to be being made in asserting civilian control in all three security forces: the State Security Service (SDB), the police and the VJ.

The State Security Service

The former head of the SDB, Rade Markovic, is in jail under investigation for murder and the attempted murder of Milosevic's opponents. He is alleged to have handed compromising files on members of the new ruling coalition, the DOS, to the mafia just before he was arrested, leading to fears that members of the Serbian Government could be blackmailed into shielding assassins who worked for the former regime.¹⁸⁷

Old habits appear to die hard, however. IWPR reports that lawyers representing the family of Ivan Stambolic, Serbia's former president, who was kidnapped and is presumed murdered, accused the SDB of pressurising the police and judiciary to withhold the results of their investigation into the politician's disappearance. The lawyers further claim that the SDB remains a leading criminal organisation in Yugoslavia and that even interior ministers cannot control them.¹⁸⁸ They have also demanded that Prime Minister Djindjic sack the former commander of the SDB's former Special Operations Unit, Colonel Milorad Ulemek. Ulemek is said to be directly implicated in a number of murders, but is alleged to enjoy the protection of Serbia's new rulers because his unit is considered to have played an important role in helping the opposition to overthrow Milosevic.¹⁸⁹ IWPR concludes that many DOS leaders could be compromised by their business links with Milosevic when the state-controlled 'grey economy' prevailed in Serbia.¹⁹⁰

The Serbian Police Force

In 1997 it was estimated that there were about 48,000 regular policemen in uniform, and an additional 60,000 to 100,000 MUP personnel, although the latter number was regarded as probably exaggerated. According to daily newspapers, the MUP cost \$6 billion to run per annum (or six times the budget of the VJ). The police were said to be better supplied and paid than the VJ, and were equipped with 150 armoured personnel carriers and infantry combat vehicles and 170 mortars.¹⁹¹

¹⁸⁴ Ibid.

¹⁸⁵ Op cit STRATFOR 3 January 2001.

¹⁸⁶ Op cit ICG Balkans Report No 108 p 42.

¹⁸⁷ Cvijanovic Z, 'Serbian leaders face Mafia threat', IWPR Balkan Crisis Report No 241, www.iwpr.net, 27 April 2001.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ www.fas.org/irp/world/serbia/mup.

The co-operation between the Milosevic regime and the mafia is believed to have done lasting damage to morale in Serb law enforcement bodies: the regime destroyed police dignity. Policemen were in a desperate position. They arrested gangsters but were ordered by politicians to set them free. Or judges set them free because they too were part of the regime.¹⁹²

When Kostunica first came to power, doubts remained over the allegiance of the Serbian police. On 11 October 2000, for example, the then Prime Minister, Mirko Marjanovic, announced that he had taken control of the Serbian ministry of interior forces, and police harassment of opposition activists continued to take place.¹⁹³ By April 2001, while problems still persisted, it was clear that the new regime was trying to impose greater control and accountability. While there were initial accusations of police transferred to the GSZ in southern Serbia terrorising the local population, police officers were under strict orders not to overstep the rules or to shoot indiscriminately.¹⁹⁴

The new government's efforts at reform have been mixed. The controversial appointment of Police General Sreten Lukic as head of all non-secret police units reveals the extent to which the police have been compromised. Lukic, whose appointment was supported by the army and state security, is reported to have commanded Serb police units in Kosovo from early 1998 to mid-1999, a period of significant ethnic cleansing, expulsions and massacres, and received a medal and promotion from Milosevic just days before the president's indictment. Lukic may himself be a candidate for indictment, and his appointment demonstrates the difficulties of making a clean break with the former regime.¹⁹⁵ More promising is the introduction of multi-ethnic police training in southern Serbia.

The Yugoslav Army

The total strength of the Armed Forces of the Federal Republic of Yugoslavia prior to the conflict with NATO was as follows:

Active: approx. 97,000 (including 43,000 conscripts)

Army: 74,000

Navy: 7,000

Air Force: 16,700

Reserves: approx. 400,000

Paramilitary:

Ministry of Interior troops: approx. 80,000¹⁹⁶

In the context of internal and regional security, the VJ is the most important of the three armed services. However, ridding the VJ of Milosevic's influence is proving difficult. There were accusations that the peace process in the Presevo Valley was hindered by radical factions within the Yugoslav establishment – survivors of the Milosevic regime. Attempting to tackle this head on, Deputy Prime Minister Covic took control of all Yugoslav security forces in the area, commenting that, in the past, the VJ retaliated against small arms fire from the ethnic Albanian side with overwhelming force. According to Covic, this was the result of irresponsible orders from the top, and the calculated manoeuvrings of certain generals.¹⁹⁷

There has also been retrospective recognition of some of the crimes committed by the VJ in Kosovo. A VJ spokesman announced on 24 April 2001 that charges were being

¹⁹² According to Vojislav Tufegdžic, top crime reporter for the daily Blic and author of the bestseller *Kriminal*, an exposé of Serbia's underworld. Op cit Judah, 14 November 2000.

¹⁹³ Molner I, 'Doubts over Serbian police allegiance', IWPR Balkan Crisis Report No 185, www.iwpr.net, 13 October 2000.

¹⁹⁴ Op cit Nikolic and Filipovic.

¹⁹⁵ Op cit ICG Balkans Report No 108 p 43.

¹⁹⁶ *Military Balance 2000/2001*, pp 107–108.

¹⁹⁷ Op cit Sunter.

brought against 183 soldiers for criminal acts committed from 1 March 1998 to 26 June 1999 in Kosovo.¹⁹⁸

Kosovo

The role of UNMIK and KFOR

UNMIK has been responsible for law and order in Kosovo since 1999. KFOR has the mandate to enforce law and order until UNMIK can fully assume this responsibility. KFOR carries out patrols, air surveillance, checkpoints, search operations and border controls; they respond to emergency calls, investigate criminal activities and arrest or detain suspected criminals. Under UN Security Council Resolution 1244, KFOR troops are responsible for the safety of the remaining Serbs living in Kosovo but have struggled to guarantee their safety in the face of sustained terrorist attacks. Parts of the ethnic Albanian community also suffer from weak law enforcement.¹⁹⁹

While the vast majority of individual members of KFOR and UNMIK are undoubtedly handling a difficult assignment with great professionalism and sincerity, a number of structural weaknesses in the operational remit of parts of UNMIK and KFOR were drawn to our attention. In theory, KFOR contingents are grouped into five multinational brigades, each responsible for a specific area of Kosovo, and all falling under a single chain of command (under the authority of Commander Kosovo Force 5, at the time of the expert group visit, Lt Gen Thorstein Skiaker). In practice, however, some of the contributing countries (there are over 30) to KFOR operate under national rather than collective guidelines. One member of the international community told us that the French commander of the Multinational Brigade North, which is made up of predominantly French troops deployed in the northern region of Kosovo with its headquarters in Mitrovica, takes his orders directly from Paris and is under instruction not to aggravate the Serbian community. KFOR has therefore allowed the 'bridge watchers' to act with impunity and there is an institutional reluctance to implement security in the city. We were also told that German troops deployed in the south of Kosovo were also failing to be proactive because they operate under limited national rules of engagement. It appears that the multinational force works to different national rules emanating from their respective capital cities.

The multinational UNMIK police force also has its weaknesses. The make-up of the UNMIK police is much more diverse than within KFOR. In addition, there is very little intelligence gathering – because of the language barrier – and a heavy reliance on paid informers. These operational weaknesses have resulted in a large amount of unsolved crimes – we were informed of five major armed robberies in Pristina, for example, for which UNMIK had little or no evidence of who was responsible. Finally, UNMIK police are often unable or unwilling to enter some of the Serb controlled territories without the protection of KFOR. Thus, KFOR appears to spend a lot of its time doing police work – a situation that was likely to be exacerbated by the proposed 10 percent reduction in UNMIK police levels expected in June 2001.

The closure of some private security companies may also create difficulties for UNMIK and KFOR, as many of the employees may be reluctant to hand back their weapons. KFOR is expected to assist UNMIK in disarming these private companies.

Despite more police and troops per head (approximately 1 for every 26 citizens) than most other places in the world, the level of violence in Kosovo remains unacceptably high, as UNMIK has admitted.²⁰⁰ In particular, extending UNMIK's law enforcement remit to the Serb-controlled parts of Kosovo, and policing those Serb enclaves that are most vulnerable to attack by ethnic Albanian extremists are particularly acute problems, and recognised as such by members of the international community that we met.

¹⁹⁸ Op cit Grijhovic.

¹⁹⁹ Op cit IISS.

²⁰⁰ 'Security Council condemns ethnic violence in Kosovo', UN press coverage, www.un.org, 13/ March 2001.

It was very disappointing to learn during our visit to Pristina that the suspect of the bombing of the 'Nis Express' had escaped from the US base at Camp Bondsteel. This sends all the wrong signals to an already besieged Serb minority in Kosovo.

The problems in creating a new police force

Resolution 1244 envisaged the creation of a local police force, trained by international police detailed to Kosovo. However, according to the London-based International Institute for Strategic Studies, after the first year less than half the expected international police had arrived, and the training was proceeding at a snail's pace.²⁰¹ Similarly, IWPR reported at the beginning of 2001 that law and order in Kosovo continued to be largely maintained by international policemen, then 4,000 strong, who have little knowledge of the local language, culture, terrain and the way the community functions.²⁰²

The evidence of our visit suggests that the formation of the KPS is a relative success, particularly given the extremely difficult circumstances in which it has been brought about. At the moment key weaknesses are insufficient training (courses only last six weeks) and the lack of a serious criminal investigation capacity.

The role of the Kosovo Protection Corps

The KPC officially came into being on 21 September 1999 with the introduction of an UNMIK Regulation and Statement of Principles providing provisional legal status for the corps within Kosovo. The KPC is jointly controlled by UNMIK and KFOR and, formally at least, is supposed to be an entirely new creation open to all residents of Kosovo. However, the organisational structure and most of the staff are drawn directly from the KLA. In addition, the creation of the KPC also damaged the image of KFOR and UNMIK impartiality in the eyes of the Serbian community. Indeed, the two Serbs serving on the UN Transitional Council withdrew from the body in protest at the establishment of the KPC, arguing that it violated the declared multi-ethnic nature of Kosovo. The allocation of around DM 28 million per annum to the development of the KPC (just under 10 percent of total donor funding to UNMIK) also raises concerns as to whether this is the most appropriate use of scarce financial resources in the province.

Montenegro

One of the key problems in Montenegro during the Milosevic period was the tension between the VJ and the domestic police force. Indeed, in the face of growing displeasure from Belgrade at Montenegrin support for Serbian opposition groups, the numbers of Montenegrin police were increased from 10,000 to 25,000. This led to increasingly frequent 'incidents' between members of the Second Yugoslav Army stationed in Montenegro and Montenegrin police officers, as well as fears of a possible military coup.²⁰³

Quality of the judicial system

"The judiciary continues to be a hostage of the executive", according to Vida Petrovic Skero, president of the Belgrade District Court. The ousting of 160 judges (without proper dismissal procedures) in January 2002 created a lot of tension and several judges who were prominent under Milosevic have quit the bench and become lawyers. New judicial reforms have failed to convince many within the judiciary that they have won the independence they sought. Legislative reforms had been hammered out without a public debate and presented to the parliament. Critics concede, however, that the new laws could form the basis of an independent judiciary in due course.²⁰⁴

²⁰¹ Op cit IISS.

²⁰² Op cit Islami.

²⁰³ Op cit Simic p 6.

²⁰⁴ Stanimirovic S, 'Serbia: Reforms alarm judiciary', IWPR Balkan Crisis Report No 309, www.iwpr.net, 17 January 2002.

At the federal level

In early April 2001 the OSCE and the Council of Europe launched an assistance programme aimed at facilitating judicial reforms in the FRY.²⁰⁵ Judges and prosecutors in Serbia are being replaced in an attempt to establish an independent judiciary, but concerns have been expressed over the partisan approach to these replacements. A sacked district court judge claims that one party-controlled judiciary is being replaced by another, and that the ministers responsible for appointments presented the list of those to be dismissed without consultation with the Supreme Court.²⁰⁶ According to IWPR, many of the new judicial appointments were politically pre-determined by the DOS coalition, and some highly respected judges, outspoken opponents of Milosevic but not DOS supporters, have not been appointed.²⁰⁷ However, the judiciary is also facing external pressures. Many believe the shooting of the Belgrade investigative judge Nebojsa Simeunovic was a warning from the mafia.²⁰⁸

The new government wants to reform the judiciary quickly to prove its effectiveness in dealing with difficult tasks, such as war crime cases, but there is much to overcome. IWPR paints a gloomy picture: 'The reality is that the judiciary is buried under a pile of unresolved cases, suffers from a shortage of judges, a lack of discipline, inefficiency and corruption.'²⁰⁹

In the Milosevic era the Serb police were well known for ignoring demands from the prosecutor's office, and such behaviour has not dramatically changed. In the high profile case of the murdered newspaper editor, Slavko Curuvija, the police are said to have done little to solve the crime.²¹⁰ However, the Amnesty Law approved by the Yugoslav Parliament in February 2001 is a sign of positive change. UNMIK welcomed the new legislation that paved the way for the release of 143 Kosovo Albanians arrested in 1999 at the time of the NATO bombing.²¹¹ The Supreme Court is also reported to have ordered the release of a further 1,753 ethnic Albanians.²¹²

Finally, the OSCE mission in Belgrade assisted the Yugoslav Federal Ministry of Justice on the development of an independent Human Rights Institution or an Ombudsman.

Kosovo

From 1989 when constitutional amendments transferred all judicial authority to the Supreme Court of Serbia, Kosovo's judiciary was not permitted to practice. As a result, Albanian legal professionals have not practiced in the last decade, and the international administration is now striving to create a new judicial system in which these professionals can practice. After a thirteen-year hiatus, finding qualified personnel for the vacancies in this new system is not proving easy. UNMIK are also seeking to build a non-biased, multi-ethnic judicial system, a task which will be doubly challenging, particularly as there is no basic resources, no modern equipment and no court procedures to build on.²¹³ There is a huge backlog of cases: between the ending of the war and December 2000 about 1,200 people were sentenced, but this represented only 40 percent of cases.²¹⁴ However, despite difficulties, UNMIK reports that the Kosovo court system is springing back into life and with the people of Kosovo taking the lead in all aspects of the operations of the courts.²¹⁵

²⁰⁵ 'OSCE and Council of Europe hold workshop on judicial reforms in Federal Republic of Yugoslavia', OSCE press release, www.osce.org, 10 April 2001.

²⁰⁶ Stanimirovic S, 'New Serb judges under scrutiny', IWPR Balkan Crisis Report No 229, www.iwpr.net, 23 March 2001.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ 'UN Mission in Kosovo welcomes Yugoslav amnesty for jailed Kosovars', UN press coverage, www.un.org, 27 February 2001.

²¹² *Op cit* Grihovic.

²¹³ 'UNMIK first anniversary backgrounder – reviving Kosovo's judicial systems', UNMIK press release, www.un.org, 5 June 2001.

²¹⁴ *Op cit* Islami.

²¹⁵ *Op cit* UNMIK.

The UNMIK JIAS Department of Justice is taking a key role in mobilising assistance and funding from international donors, as well as beginning the process of setting up the Kosovo War and Ethnic Crimes Court (KWECC). The KWECC will have both local and international judges and prosecutors competent to try war crimes, crimes against humanity, genocide and other serious crimes committed on grounds of race, ethnicity, religion, nationality or political opinion. Large numbers of new staff (about 1,000) have been taken on and there are vacancies for as many again. Donor support is focussing on introducing reforms, and will range from technical assistance for courts and penal management to rewriting statutes and regulations.²¹⁶

In April 2001, the OSCE Mission in Kosovo Legal Systems Monitoring Section produced a 100-page report on the Kosovo criminal justice system. The report called for urgent and strategic action to bring the criminal justice system into line with international human rights standards.²¹⁷ The most critical and long-standing problems were:

- the absence of a habeas corpus remedy, which allows defendants to challenge their detention;
- continued executive detention;
- the continued lack of procedures to ensure effective access to defence counsel by detainees;
- continued concerns of bias in criminal proceedings;
- the lack of alternatives to detention for juvenile offenders and lack of mechanisms to ensure appropriate treatment and fair trial for the mentally ill; and
- the lack of victim/witness support, assistance services and protection mechanisms.

According to the OSCE report these problems are exacerbated by structural difficulties facing the courts and the police, and a lack of resources that obstructs more effective and consistent policing.²¹⁸ However, the report does note that despite these problems many criminal cases are being resolved in a just fashion, with progress including the establishment of a judicial inspection unit, increased numbers of international judges and prosecutors and the increased control by UN Penal Management over detention centres.²¹⁹ A parallel OSCE paper, 'A Strategy for Justice', was published on 21 June 2001 and sets out a comprehensive and co-ordinated approach to the immediate, medium- and long-term needs within the Kosovo justice system.²²⁰

The OSCE, along with a French NGO *Avocats Sans Frontières*, has also been involved in the development of a code of ethics governing the conduct of lawyers in a number of key areas, and in their relationships with other lawyers, clients and the courts. Under discussion by local lawyers in early May 2001, the new code will replace the existing FRY Code of Ethics adopted by the Kosovo Chamber in 1980.²²¹

Status of border area and ports

Internal Federal Republic of Yugoslavia borders

The Ground Safety Zone

The Military-Technical Agreement, signed by NATO and the FRY government in June 1999 as part of the Kosovo war peace terms, established a three mile-wide demilitarised GSZ where Serbia, its sister republic Montenegro and Kosovo intersect. Only lightly armed Serb police were allowed to patrol the buffer zone initially, but since the agreement in March 2001 VJ forces have been progressively allowed back into the buffer zone.

²¹⁶ Ibid.

²¹⁷ 'Systemic problems hamper justice in Kosovo', OSCE Mission in Kosovo press release, 19 April 2001.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ 'Report: A strategy for justice in Kosovo', OSCE Mission in Kosovo press release, 21 June 2001.

²²¹ 'Kosovo lawyers discuss new code of ethics', OSCE press release, www.osce.org, 4 May 2001.

Customs barriers and border controls around Kosovo

In attempts to fulfil responsibilities to demilitarise the GSZ and prevent supplies reaching fighters in Kosovo and northern Macedonia, KFOR set up checkpoints or tax collection points around Kosovo in February 2001. These failed to prevent weapons flowing in and out of Kosovo, and proved extremely unpopular with the Serb communities who see them as representative of Kosovo autonomy.²²² They were also unpopular with ethnic Albanians because of the taxes levied at the customs points. The fighting in Presevo began in November 2000, facilitated by Albanian paramilitary groups using armament and equipment that came from Kosovo and Macedonia.²²³

Even at the height of the tensions in the Presevo Valley area, lorries and cars full of civilians – mainly ethnic Albanians who live inside the GSZ – passed freely across the region.²²⁴ Between 300 and 600 people were said to cross the border every day to go to work, visit family or buy and sell market items in Serbia.²²⁵ However, as part of the peace agreement that saw the VJ return to the last part of the GSZ in May 2001, UNMIK and KFOR agreed to implement tougher controls. The number of official Kosovo border crossing points is now restricted to 19, and all other crossing points charge fines or impose jail sentences of up to one year for non-refugee trespassers.²²⁶

External Federal Republic of Yugoslavia Borders

Serbia and Montenegro border with Bosnia-Herzegovina

The expert group did not have the opportunity to establish the status and scope of border controls with Republika Srpska. It is well known that large quantities of arms were sent to the pro-Serb nationalist fighters in Bosnia-Herzegovina during the Milosevic administration, and it will be important for any subsequent study to take a close look at border management and reforms in this particular border area.

Montenegro and Kosovo border with Albania

Similarly, the expert group did not have the opportunity to assess the status and scope of border controls between both Montenegro and Albania, and Kosovo and Albania. The evidence of illicit trafficking of arms and other goods from and through Albania would suggest that these borders are extremely porous.

Kosovo and Serbia border with Macedonia

The border area between FRY and Macedonia is part of the GSZ. However, this does not seem to have prevented guerrilla fighters, supplies of weaponry and ammunition from Kosovo reaching northern Macedonia. Even during the heated fighting around Tetovo in February 2001, KLA members crossed the border to Macedonia in the region of the Sar Mountain without much difficulty.²²⁷ Macedonian President Boris Trajkovski urged KFOR and UNMIK to exercise more control over the northern border area, and described the crisis as a “direct export from Kosovo”. He called for an “urgent and systematic” disarmament of the population in Kosovo and immediate punishment of “terrorists” and “armed extremists”, including the political leaders who support and encourage them.²²⁸

In an attempt to control the situation the Macedonian authorities closed the border with Kosovo on 4 March 2001. This had serious consequences for the delivery of food, fuel and medicines to Kosovo, and the UN expressed deep concern at what it deemed an unacceptable disruption of its operations and a growing hardship for the

²²² ‘Kosovo: Serbs stage protests at UN tax collection centres’, UN press coverage, www.un.org, 17 April 2001.

²²³ Op cit STRATFOR, 19 February 2001.

²²⁴ Op cit Sunter.

²²⁵ Op cit STRATFOR 19 February 2001.

²²⁶ ‘Yugoslavia: threat of war is over’, STRATFOR, 7 June 2001.

²²⁷ Op cit Simic p 14.

²²⁸ ‘Former Yugoslav Republic of Macedonia: President calls for greater control of border with Kosovo’, UN press coverage, www.un.org, 10 April 2001.

population of Kosovo.²²⁹ The border with Kosovo was re-opened on 3 April, ensuring the delivery of essential supplies.²³⁰

One problem is that many ethnic Albanians do not recognise the border between Kosovo and Macedonia, especially where their farms or holiday homes straddle the two territories. Rather than recognise legally imposed borders they have their own traditional or informal methods of marking territorial boundaries. However, border guards and police often fail to recognise the cultural reasons for constant crossing of boundaries and simply brand such activities as fronts for criminality or terrorism.

Serbia borders with Bulgaria, Romania, Hungary and Croatia

The expert group did not have the opportunity to assess the status and scope of Serbian border controls with Bulgaria, Romania, Hungary and Croatia.

²²⁹ 'Secretary-General condemns renewal of violence in Former Yugoslav Republic of Macedonia', UN press coverage, News Reports, www.un.org, 19 March 2001.

²³⁰ 'Former Yugoslav Republic of Macedonia re-opens border with Kosovo, UN Kosovo press statement, www.un.org, 3 April 2001.

3

Production and transfer of small arms and light weapons

Products and producers in the Federal Republic of Yugoslavia

History of arms production in the Federal Republic of Yugoslavia

THE FORMER YUGOSLAVIA was a major weapons producer during the Cold War. A combination of a relatively developed arms industry, the high levels of regional and global demand for arms in the second half of the century and the large profits to be made encouraged countries in the region to develop domestic arms production. SALW were 'given priority' in production, because of the simple technology required and the prevailing 'people's defence' doctrine of the VJ. When Cold War tensions eased, the industries in the area continued to produce for lucrative external markets.²³¹

Before the wars of secession the different republics of Yugoslavia produced many civilian and military goods jointly. But when tensions first erupted (and prior to the imposition of sanctions), arms production began to be consolidated in Serbia, foreign exchange reserves were consolidated in overseas accounts and strategic stockpiling of materials took place. Countries within the former federation accelerated their production of light weapons, either seizing the manufacturing capacities of a former state or establishing new industries.²³²

In 1993 the Yugoslav defence industry was rejuvenated as Serbia and Montenegro sought to reconstruct production lines. The Federal Department of Supply and Procurement was converted from an army department to a state-owned holding company, under the brand name Jugoimport SDPR, and regrouped the defence industry from Bosnia-Herzegovina, Croatia and Slovenia. There were also significant developments within the existing industrial base, particularly in gun barrel production and aerospace. Priority was given to setting up production lines for battlefield equipment at five locations in Serbia's Morava Valley:

Cacak: ammunition; light AAA ordnance; depot-level AFV repairs

Lucani: explosives and ammunition

Trstenik: MBT precision mechanical devices; refurbishment and manufacture of hydraulic systems for aircraft

Uzice: explosives and ammunition

Valjevo: ammunition.²³³

²³¹ Op cit Gorjanc.

²³² Ibid.

²³³ Beaver P, 'Yugoslavian defence industry regrouped and rejuvenated', *Jane's Defence Weekly*, 28 August 1993.

Small arms and light weapons production in Serbia today

Eight years on, it is difficult to know how much of this reconstructed defence-industrial base remains. In 1995 Bosnian Serbs were reported to have been supplied with explosives and ammunition from a Serbian munitions factory in the town of Kragujevac.²³⁴ However, despite a number of clear violations of the military embargo and sanctions on FRY,²³⁵ the sanction regime is thought to have succeeded in damaging arms production capacity. In 1998, the FRY high technology arms industry was described as ‘crippled’, although it was suggested that the capacity to produce weaponry appropriate for guerrilla warfare remained.²³⁶ Serbia’s appeal to Russia in late 1997 for new tanks, missiles, helicopters and MiG 29 jet fighters confirmed its lack of large-scale domestic industrial capacity.²³⁷

Publicly available information on the current state of the FRY defence industry is extremely sparse. We were grateful to the Serbian authorities for the opportunity to meet representatives of Jugoimport SDPR and to visit two small arms production facilities at Kragujevac and Uzice.

Serbian officials confirmed that defence production and exports had collapsed during the last decade as a result of the sanctions, and that future military markets did not look promising. Modernisation of defence production facilities was planned during the 1980s, but as international events prevented this, Serbian defence production now lacks the competitive and technological edge of West European arms manufacturing. Despite each factory having its own R&D facilities, the loss of key personnel and expertise during this period also seriously eroded Serbia’s ability to produce high technology weapons. Low and middle technology weapons and spare parts appear to represent Serbia’s best opportunities for breaking into new export markets. There is a domestic Serb jet fuel production capacity at NLS Rafinerija at Novi Sad, while the LOLA centre trains staff to manufacture parts, including aircraft parts, and telecommunications equipment.²³⁸

Despite serious damage during the NATO raids, we were told that all military-related factories were functioning. The government had to make them work as part of the war effort, and all resources during the conflict were concentrated on military production. One interviewee told us that: “Only when there is peace can you rebuild and switch to civilian production”.

Nonetheless, several government conversion programmes were introduced during this period. Within Jugoimport SDPR seven new ‘daughter companies’ were established, largely for food production and clothing (with a special licence permitting the company to sell the products within the domestic market – previously it had been allowed only to export/import mainly defence-related goods). Of the 600 people currently working in Jugoimport, 400 are now working on civil projects within the daughter companies. Food production is seen as the key product for Jugoimport, accounting for 50 percent of the company outputs. (Finding export markets for the food was said to be problematic because of the perceived risk of contamination by depleted uranium shells used by NATO). Other aspects of the conversion programmes were less successful, due to a lack of resources for retooling or converting plants and the limited availability of government funding. One plant transferred to producing agricultural machinery and another to the production of surgical tables.

Until 1991 defence-related companies were in a very strong position. In addition to

²³⁴ ‘Documentary claims Serbia provided arms for Srebrenica massacre’, Reuters, www.haverford.edu, 29 May 1996.

²³⁵ Having obtained evidence that the arms embargo was being breached, the UN Security Council passed Resolution 740, of February 1992 which expressed the Council’s concern that the embargo was not being observed. Resolution 787 of 16 November 1992 voiced the same concerns. In its second report to the Security Council the sanctions committee noted 46 reported violations of the sanctions of which two were established as having occurred.

²³⁶ ‘UN imposes arms embargo’, Reuters, abcnews.go.com, 1 April 1998.

²³⁷ Peric-Zimonjic V, ‘Serb police in tanks unremoved by UN embargo’, World News, Inter Press Service, www.oneworld.org, 8 April 1998.

²³⁸ FRY Federal Ministry of Foreign Affairs website, www.mfa.gov.yu.

their main activity, they built and maintained large-scale social services. At present, however, there are only approximately 20,000 employees in the Yugoslav defence industry. There is also some limited defence production capacity in Montenegro (raw materials, aluminium and explosives) and Kosovo (military batteries and shotgun ammunition).

SALW production in Serbia has also struggled in the last decade. The market for Eastern bloc SALW is not a lucrative one, with low prices and sensitive markets. Officials at Jugimport SDPR considered that the export of hunting and sporting rifles provided their best opportunity, particularly to the US. Anti-riot firearms and other security equipment were also thought to be possible future markets for Serbian producers.

Two members of the expert group (Judit Kiss and Judit Körömi) visited two SALW production facilities during the visit: Zastava Arms (in Kragujevac) and Prvi Partizan (in Uzice).

Zastava Arms

Zastava Arms in Kragujevac was established in 1853 and is the oldest Yugoslav military plant, built initially with French assistance to produce canons. It even has its own museum and is regarded as an important part of Serbian industrial history. Between 1945 and 1990, the company was the main supplier of arms to the Yugoslav armed forces and was also the main military research and development complex in the federation. Between 1853 and 1960, Zastava only produced weapons, but a fall in demand for arms led the government to order the company to diversify into dual-purpose and civilian goods (cars, tools and civilian machinery) in the early 1960s.

The company was 100 percent state-owned until 1953, and its 'golden years' in terms of productive output and exports were between 1975 and 1990. Today, company production is down by around 65 percent compared with pre-1990 output. The company is organised into nine separate units of production and practically all parts of the company have been computerised since 1987.

Former heavy weapons production was transferred to Bosnia (Travnik) in the Tito era, although small arms production continued at the factory.

During the period of conflict there was no product development within the company, and the remaining arms production was severely disrupted during the NATO bombardment. During the Easter period in 1999, NATO attacks destroyed the heating plant and the car and tractor-producing units. There were no civilian casualties, but significant material damage, including DM 56 million in lost equipment, DM 36 million in lost turnover, and DM 36 million in indirect damage. (This data comes from a 30-minute video film on the aftermath of the bombing, shown to the expert group).

There is no immediate intention to reconstruct those workshops that were destroyed or damaged during the bombing. Instead, the primary aim is to meet existing contract commitments, and the company's short to mid-term goal is to become the main supplier for all the armed forces of the FRY. Due to the break-up of Yugoslavia and sanctions during the 1990s the company became reliant on a very limited and not particularly rich domestic market, consisting of the VJ and the police force. Consequently the company is in financial difficulty, although they hope to attract foreign financial investments once the sanctions are lifted. The director also pointed out that various countries owed them about \$70 million, which they will try to use as a 'conversion fund'. There is an expectation that the international community will reimburse the company for damages caused by the NATO bombing.

Zastava Arms is currently part of a larger company, Zastava Holding, and hopes to gain full independence in the course of an impending privatisation. The number of employees has declined by about half over the last decade from around 9,000 to 4,500. The average monthly salary of the remaining workers is around DM 200 (compared to the average for the FRY of DM 140), although about 40 percent of these workers are

effectively being paid to do nothing, and further redundancies are expected. Although the director of the company believes that their current products meet the highest NATO standards, the lack of capital investment in the company is hindering production. In the case of many of their civilian products (security equipment, mechanical tools etc), however, they are unable to produce them quick enough to satisfy market demand.

The company produces automatic weapons, mainly carbines, sporting and hunting rifles. Before 1991 92 percent of capacity was military-related, and 8 percent civilian. Today 60 percent of their income comes from shooting and hunting weapons, 35 percent from military-related products and 5 percent from other products and services (such as the production of car parts, mechanical tools, fire protection equipment, agricultural machines, grinders, and sports equipment). Before sanctions the whole world (except countries under UN embargo), and especially the US, used to import their hunting and sporting weapons, and exports were worth around \$7 million per year. The company is about 90 percent self-reliant on indigenously produced parts, components and other resources. Despite all the difficulties, we were told that exports continued throughout the 1990s, and that the turnover for hunting and shooting weapons actually increased.

Exports take place through specialised export companies, mostly Zastava-Impex and Jugoimport SDPR, and no sales are possible without an end-user certificate.

New projects include plans for optical instruments (in the showroom the expert group were shown one of their latest products, a modern rocket launcher, whose optical parts were produced in the Zrak company, in Republika Srpska). The company hopes to win back some of its traditional markets, which were largely captured by Czech companies during the 1990s. They are also hoping to re-establish links with US firms (pistols previously produced under US design are used by the Yugoslav police). Although the company has a wide range of civilian products, most of the interviewees believed that the company's future lies in renewed military-related exports.

Prvi Partizan

In the former Yugoslavia the main ammunition producer was the Konic Company, based in Bosnia. After the break up of Yugoslavia, Prvi Partizan (based at Uzice) became the unique ammunition supplier to Serbia. The company produces small ammunition up to 1.43 calibre.

The company's output did not increase during the 1990s, because of the arms embargo, the loss of Western export markets and a limited domestic market that was small enough to be satisfied from existing production capacities and reserves. The company is wholly owned by the Ministry of Defence, which is also its main customer (it supplies the VJ). Its other main customers are the police and hunting and shooting enthusiasts. The company hopes to become a genuine private company, but the state is expected to retain a majority share-holding.

The main export markets prior to the break-up of Yugoslavia were the US and Western Europe. End-user certificates are required for export. With the sanctions production dropped, arms imports stopped and Western exports were restricted. Following the lifting of the UN arms embargo on 11 September 2001, the aim is to recapture lost markets. The company survived during the 1990s due to diversification to civilian production. Current arms production output is about 20 percent compared with the boom period of the mid-1980s, and the number of employees has declined by about 35 percent.

The company produces ammunition for small arms, mainly for sporting and hunting weapons. A minor part of its output is military-related, and goes to the Yugoslav armed forces and police. However, most of the company's production capacities are unused (only 20 percent of military-related capacity is in use). The same technology is

used for military-related and civilian production, and about 70 percent of the present production output is civilian-related. However, at present the bulk of their income comes from commercial products (medical equipment, machines, special tools etc). The main customers for these goods are private companies in the FRY.

There is some small-scale export activity through the Ministry of Defence and Ministry of Industry and Trade, but only with appropriate end-use certificates. It is claimed that no exports have ever been made to conflict zones. For transportation of ammunition a police certificate and a police escort is needed. The representatives we met were confident that the company would recapture lost export markets because it offered high quality products with a strong quality control. Another possibility is to extend civilian production in electronics and medical equipment.

The distribution of stockpiles of small arms and light weapons in the Federal Republic of Yugoslavia

Official data

According to confidential assessments of the federal police and the general staff of the armed forces, the number of SALW in the former republic of Yugoslavia in 1989 were estimated at around six million, as shown in Table 1 below:²³⁹

Table 1: SALW in FRY, 1989

	Pistols	Rifles	Machine guns
Yugoslav People's Army	270,000	1,120,000	170,000
Territorial Defence	250,000	1,200,000	105,000
Police	50,000	240,000	20,000
Administration	20,000	40,000	4,000
Licensed civilians	900,000	700,000	–
Industrial surplus	20,000	200,000	1,000
Illegally held SALW	600,000	200,000	1,000
Total	2,110,000	3,700,000	310,000

Similarly, a group of high-ranking Slovenian and Croatian officers estimated that in 1989 more than 6 million small arms were available to Yugoslav citizens, the equivalent of every third citizen being able to carry arms in a war.²⁴⁰

Available data for 1999 estimates the number of legally armed citizens in the FRY, including all security forces and police, to be 508,700.²⁴¹ However, this appears to be a huge underestimation, as we were informed that there were over one million firearms registered to civilians alone in Serbia in 2001 (see below).

There is currently no publicly available data concerning small arms and light weapons stocks held by the Yugoslav Army.

Numbers of police weapons

During the Milosevic period, the Serbian police force (ie the force of the Ministry of Interior, MUP) was said to enjoy the best available weaponry. Numbering 120,000 personnel in a country of 9 million, a Serb police source admitted that the MUP resembled 'light infantry more than policemen'. It possessed an arsenal of at least 150 armoured vehicles, 170 mortars of various calibre, unspecified numbers of light artillery and Russian-made ground attack helicopters and anti-aircraft artillery. The MUP adopted army-style ranks and command structures in 1994 and were said to be drawing the largest single share of the Serbian national budget in the period up to

²³⁹ Op cit Gorjanc.

²⁴⁰ Ibid.

²⁴¹ Data taken from *The Military Balance*, (IISS, 2001–2002) and *Jane's Sentinel*, (1999–2000); op cit Gorjanc.

1998. MUP personnel were also reported as earning up to three times the salary of a regular soldier.²⁴²

Small arms and light weapons of the international community in Kosovo

Deployment of KFOR at full strength will amount to some 50,000 troops,²⁴³ so the number of SALW they are likely to be equipped with would be at least that number. Official data is not available, however.

Private firearms: illegal and legal

Serbia

Illegal firearms

There is very little information about the numbers of illegal SALW held by insurgents, criminals and 'ordinary citizens' in the FRY. An accurate assessment is likely to be difficult as the categories have become blurred – in a conflict situation a politician or community leader may also be an insurgent or smuggler. For example, the SALW found at the house of Milosevic during his arrest were identified (by their serial numbers) as being either owned by the police (and many of these weapons had been taken to Milosevic's residence at the outset of the conflict with NATO) or by his personal security guards. Equally, in a conflict situation it is extremely problematic to survey firearm and weapon ownership, and in those areas not affected by ongoing fighting the vast majority of individuals are likely to retain weapons used in the conflict for personal protection in an uncertain post-conflict environment.

The number of weapon seizures provides a useful indication of illegal numbers of weapons in circulation. In Serbia, for example, weapons seizures by the Serbian police were at their highest during the height of the regional conflicts – as shown in table 2 below.²⁴⁴

Table 2: Weapons seizures in Serbia, 1992–2000

Year	No. of weapons seized
1992	5,800
1993	10,000
1995	11,000
1996	6,700
1997	5,000
1998	3,500
1999	2,500
2000	2,300

According to an official within the Ministry of Interior, there are an estimated 50,000 illegal weapons in circulation in Serbia today.²⁴⁵ We were also told that the criminal gangs' 'weapons of choice' tended to be the Kalashnikov or 9 mm and 7.62 mm pistols (the latter especially in armed robberies).

Registered firearms

In Serbia, as of May 2001, there were 1,005,058 registered weapons in legal possession, of which 919,884 were owned by citizens and 85,174 by other legal entities, both individuals and companies (collectors, security companies etc). Of those owned by citizens, 516,355 were pistols and revolvers held for reasons relating to 'personal safety'. Since the introduction of new legislation in 1998, 1,667 new licences covering both

²⁴² Op cit Peric-Zimonjic.

²⁴³ Solana J, 'A defining moment for NATO: The Washington summit decisions and the Kosovo crisis', *NATO Review*, vol 47, Summer 1999, p 5.

²⁴⁴ Discussion with official in Ministry of Interior, Belgrade, March 2001.

²⁴⁵ Ibid.

‘possession’ and ‘carriage’ categories have been granted.²⁴⁶

Another separate sub-category of licensed firearms is the ‘small calibre weapons’ of which 31,068 are registered (26,432 rifles, 4,077 pistols and 559 revolvers). The licence is only granted for possession and the sole use is sporting (and they are not to be used for other purposes, such as hunting). We were advised that there is no evidence of criminal acts being carried out with small calibre weapons.²⁴⁷ 22mm calibre weapons are seen as the most dangerous and this calibre of weapon is strictly controlled (licences are granted for possession but not carriage).

Kosovo

Registered firearms

Serb sources suggest that there were 55–60,000 legal small arms before the conflict in Kosovo.

A new regulation for controlling civilian possession of weapons in Kosovo was introduced by UNMIK in February 2001 (see section 4), but at the time of the expert group visit, accurate data on legally held firearms was not available. Information supplied to UNMIK by Kosovo’s Hunters Association indicated that there were approximately 8,000 hunters registered with the Association, holding approximately 9,000 weapons between them. Because weapons held by hunters are not covered by Regulation No. 7, these weapons are technically illegal. UNMIK plans to make weapons possession by hunters legal during 2002 but also to set clear limits on the weapons that can legitimately be held.²⁴⁸

Illegal firearms

One of the few estimates is a 1989 assessment of the then federal police in Kosovo: over 400,000 light weapons were unregistered and held illegally; 150,000 of these were long-barrelled weapons such as rifles and machine guns.²⁴⁹ There is little current information available about total numbers, but during the conflict additional weapons came from Albania, where the market was flooded after the events of 1997, when over one million weapons were plundered from arms depots following the so-called ‘democratic revolution’ in Albania in 1997, and other weapons were captured from Serb forces.

All the recent literature on Kosovo suggests that SALW are widely available in the province. Press reports in 1998 stated that an AK-47 could be bought for as little as \$11.²⁵⁰ Moreover, despite a UN arms embargo both sides were said to have ‘guns to spare’ and it was believed that it would take years of war just to use up the spare ammunition.²⁵¹ Everyone we spoke to confirmed that weapons remain widely available in Kosovo, despite the fact that the disbanded KLA handed in many of its weapons. Indeed, it has been reported that the international military and police force confiscate weapons every day.²⁵² According to Polish officers serving with the international police force, arms are hidden in every second home.²⁵³

However, some misleading generalisations are being made about SALW diffusion in Kosovo, not least regarding the scope and nature of a traditional gun culture. It is important to distinguish between three broad categories of illegal SALW diffusion in Kosovo:

²⁴⁶ Expert group interviews with officials from Serbian Interior Ministry, Belgrade, May 2001.

²⁴⁷ Ibid.

²⁴⁸ Presentation by Mr. Angelo Ferreira, Chief of Weapons Authorization office, UNMIK, delivered at a ‘Regional workshop on human security and weapons control in the SEE countries’, Tirana, 4 April 2002.

²⁴⁹ Op cit Gorjanc.

²⁵⁰ Op cit Peric-Zimonjic.

²⁵¹ Ibid.

²⁵² Op cit Islami.

²⁵³ Pawelczyk G, ‘Powder-keg keepers; Polish policemen and soldiers on Kosovo and Macedonia border’, (FBIS Translated Text), Poznan Wprost, 15 April 2001.

- weapons associated with a traditional ‘gun culture’ – the ‘family gun’, often an elderly bolt-action rifle dating from the Second World War and largely used on ceremonial occasions (eg births and weddings) and possibly for hunting which is particularly prevalent among rural communities;
- weapons associated with more recent criminal activity, particularly among urban youths – a mixture of old and new firearms, with limited but seemingly growing numbers of automatic military-style weapons which have become available as a result of the conflict in the province. The UNDP in Kosovo is developing a youth programme to tackle illegal gun ownership among urban male youths (see section 4); and
- weapons associated with the political conflict – again, a mixture of old and new firearms and military weapons in arms caches belonging to the KLA and nationalist groups in the Serb enclaves, but with larger quantities and more light weapons.

While there are likely to be a few weapons (and ‘owners’ of those weapons) that occasionally move between all three categories, it seems that by and large each category has its own distinct *modus operandi* – and will require separate solutions to the diffusion problem. The ‘gun culture weapons’ are the least problematic especially in the short term, and the international community should focus its attention on the other two categories.

Seizure of illicit arms flows is already a priority for KFOR and there have been a number of notable successes. Typical reported seizures in 2000 are shown below.

Examples of arms seizures in Kosovo during 2000

In March 2000, US troops raided Albanian hideouts along the southern Serbia border and seized more than 200 uniforms, 22 crates of rifle and machine guns ammunition, two mortars, 28 hand grenades, seven rifles, six landmines and other military supplies belonging to the UCPMB.²⁵⁴

In June 2000 British soldiers found a 62-tonne KLA supply of weapons in the Drenica Valley – explosives, anti-tank weapons and ammunition sufficient, according to the spokesman for the brigade, “to sustain an infantry company at high intensity levels for a month. It was enough for an infantry to fight a war for a month without resupplying.”²⁵⁵

In November 2000 international troops discovered a booby-trapped cave near Dac Mala: initial searches revealed 43 mortar rounds, 38 D40 rockets, two rocket-propelled grenade launchers, 38 grenades, 25 mines, nine boxes of machine gun ammunition and 170 boxes of dynamite and a few guns.²⁵⁶

The KLA has formally been demilitarised and transformed into the KPC, but in practice its political and command structure, troops and armament appear to have been preserved. Regular seizures of SALW destined for insurgent groups such as the UCPMB in and around Kosovo suggest that there are significant stockpiles of arms in Kosovo, or that effective supply routes from outside the province have been established.

However, it is clear that ownership must be widespread, despite the ongoing efforts of international peacekeepers to disarm communities in areas of particular tension. It is very difficult to distinguish between privately owned firearms, and firearms owned by insurgents or criminals, particularly as guerrilla factions often enjoy considerable support from the local population.²⁵⁷ But it is also very difficult to determine whether these arms belonged to the local Albanian families, or whether the inhabitants were, either voluntarily or under pressure, safeguarding them for the guerrilla group active in the area.

The Serb enclaves are also thought to be awash with illegally held weapons, many left by the departing VJ. We were told that a cache of SALW, including anti-tank weapons,

²⁵⁴ Tuhina G, ‘Raid in Kosovo’, AP, www.abcnews, 16 March 2000.

²⁵⁵ Sanderson W, ‘Illegal arms cache located by KFOR one of largest yet’, *European Stars and Stripes*, p 9 November 2000.

²⁵⁶ *Ibid.*

²⁵⁷ Op cit Pawelczyk.

found by KFOR in an elevator shaft in a building in Mitrovica was just the ‘tip of the iceberg’.

Sources, routes and end-users of illicit small arms and light weapons

To and from Serbia

Sanctions-busting during the Milosevic period

The conflicts in the Balkans and the UN arms embargo imposed on the FRY throughout the 1990s led inevitably to the creation of a black market in arms. Various cases of arms smuggling have been discovered. Two examples are shown below.

Examples of illicit arms smuggling to Serbia in violation of UN sanctions

Italian police investigating an arms-smuggling racket involving the supply of thousands of tonnes of weapons to Yugoslavia arrested a London-based Russian businessman, Alexander Zhukov. Zhukov and other alleged members of a six-man group is accused of shipping 13,000 tonnes of AK-47s, ammunition and explosives to Yugoslavia at the height of the Bosnian conflict (between 1992 and 1994). The complex smuggling operation is alleged to have stretched from Belarus and Ukraine to Belgrade under the cover of two shell companies registered in Turin. The arms are alleged to have originated in Belarus and Ukraine, and were then transported to Italy, Turkey and Egypt before being shipped under Croatian flag to Italian ports for final delivery to Yugoslavia.²⁵⁸

In 1999, a Russian cargo plane carrying six MiG combat aircraft, military equipment and a team of 30 pilots and technicians, touched down in Baku, Azerbaijan to refuel. However, the plane was denied permission to leave after officials discovered the contents of the cargo and alleged that the final destination was Yugoslavia. Moscow denied allegations concerning violation of the UN sanctions and it is entirely possible that the Russian government was not entirely in control of events – rogue hardliner elements within the Russian military have sold Russian military equipment on the black market before.²⁵⁹

The role of the various branches of the Serbian administration in sanctions-busting is likely to have been extensive and the legacy of corruption will be difficult to eradicate. Mihalj Kertes, the head of the customs service until October 2000, is believed to have played a central role in supplying arms and funds to Serb rebels in Croatia and Bosnia in the run-up to the wars of 1991–95. When he was evicted from his office in October 2000, police discovered automatic weapons, explosives and DM 3 million. This suggests that his smuggling activities had continued until the very end.²⁶⁰

Moreover, respondents to a 2000 study conducted by the Belgrade-based Centre for Policy Studies believed that the worst culprits were the customs service, and that smuggling, a means of survival for many over the last decade of economic crisis, had become morally acceptable.²⁶¹

Illicit Western transfers

Illicit transfers of very sophisticated weapons of non-Balkan origin, such as night surveillance equipment, have also taken place. Some of the SALW confiscated recently are sophisticated enough to deter the police and security forces from attempting to stop smuggling operations.²⁶² We were told that organised criminals and insurgents sometimes outgun the police.

Illicit supplies to rebels in southern Serbia

The main destination for illicit arms in Serbia during 2000 and until the peace agreement in May 2001 was the southern border with Kosovo, the area covered by the GSZ, where fighting took place between Serb security forces and the UCPMB. Arms continued to reach the UCPMB during this period despite the border controls established by KFOR, with ethnic Albanians in Kosovo and Macedonia as the main

²⁵⁸ ‘British citizen is held over arms dealing’, *The Times* [London], p 21 April 2001.

²⁵⁹ ‘Russia denies sending MiG jets to Yugoslavia’, *The Independent*, 24 March 1999.

²⁶⁰ Op cit Traynor.

²⁶¹ Bjekic V, ‘Serbian corruption endemic’, IWPR Balkan Crisis Report No 152, www.iwpr.net, 29 June 2000.

²⁶² Discussion with FRY Ministry of Defence official, Belgrade, March 2001.

sources of arms for the rebel fighters in the area.

The conflict in the GSZ area was also fuelled by the large number of Serb-held weapons, sent to the region during the Milosevic era through secret channels, together with instructors. It seems likely that these weapons remained in southern Serbia following the Kumanovo Agreement which ended the war in June 1999.²⁶³

Arming of irregular pro-Serb forces in Kosovo in the 1990s

It is clear that during the 1990s, and especially during the height of the conflict in Kosovo, local irregular Serb fighters were supplied with weapons from Serbia, often with the blessing of the Milosevic government. Before their withdrawal from Kosovo, the Serbian army and police forces are also known to have distributed some arms to the remaining Kosovo Serbs. Although NATO has collected significant numbers of weapons from both communities in Kosovo, it is likely that the Kosovo Serb community has retained some SALW.²⁶⁴

We have been unable to obtain a clear picture of what happened to most of the irregular Serb fighters or their weapons after NATO took control of Kosovo. Many are likely to have fled to Serbia with or without their weapons, while others remain in the Serb enclaves in Kosovo. It seems clear, however, that the Serb enclaves are likely to be well stocked with SALW.

Illicit supplies to ethnic Serbs in Republika Srpska

It is also clear that the Milosevic regime supplied the ethnic Serbs in Bosnia with large quantities of arms, including SALW. According to a documentary produced by Tamouz Media, Reuters Television and Point du Jour, men and materiel flowed across the border between Serbia and Bosnia in the weeks before Srebrenica was taken. This was despite promises made by Milosevic to the international community that he would not arm the Bosnian Serb fighters.²⁶⁵

Many of these arms are now flowing out of Bosnia (and possibly Serbia), as criminal elements of the Serb irregular forces profit from sales of stockpiled weaponry that are surplus to requirements now that the fighting has subsided. Weaponry has been shipped to Western European terrorist organisations through Kosovo, Croatia and Germany to Ireland and other destinations. The family and coterie of Bosnian Serb war criminal Radovan Karadzic are believed to be behind a trade that has turned Republika Srpska into an international arms depot supplying groups that include the Real IRA and the Basque separatist group, ETA.²⁶⁶ Experts suggest that since the Dayton Peace Agreement, Balkan smuggling routes have been reactivated by former soldiers, who spent the war setting up illicit arms routes.²⁶⁷ Today, Bosnia is widely regarded as one of the main transit points for importing arms, drugs and illegal immigrants into Europe.

To and from Kosovo

The main SALW found in Kosovo are of Chinese or Russian origin, but given the widespread licensed production of these weapons, the 'source' country is often difficult to determine. KFOR suggests that although there is a link with other trafficked goods, principally drugs and human trafficking, few weapons were passing through such criminal networks. Weapons were estimated to represent less than 5 percent of total smuggled goods to and from Kosovo, while 10 million cigarettes were seized in the two week period prior to our visit. Despite this, when interviewed, KFOR officers indicated that they believe Kosovo to be a hub for small arms traffic in the region.

²⁶³ Op cit Islami.

²⁶⁴ Ibid.

²⁶⁵ Op cit Reuters, 29 May 1996.

²⁶⁶ Op cit *The Guardian*, 5 April 2001.

²⁶⁷ Op cit Wilkinson and Strauss.

Albanian sources of supply

Numerous sources and documented evidence support the theory that the KLA weapons used during the Kosovo war came from Albania. It is believed that many ethnic Albanians in Kosovo armed themselves following the breakdown in law and order in Albania in 1997 when according to data made public by the Albanian Ministry of Defence, 526,818 weapons were looted from military stocks by the disgruntled populace. Many of these weapons were smuggled into Kosovo.²⁶⁸ Continuing seizures by international forces of large quantities of Albanian arms and ammunition confirm that Albania remains the key source for Kosovo Albanian fighters.²⁶⁹ In 1998, a year after the thefts from Albanian depots, it was estimated that up to 400,000 rifles had been smuggled into Kosovo.²⁷⁰ There are many reasons for believing that this figure is likely to have increased significantly since then, not least the link with drug trafficking. KFOR also told us that most of the weapons they seized in Kosovo were of Chinese origin. This indicated that they were mainly from Albania, which produces Chinese SALW under licence, although given the widespread licensed production of Chinese weapons they could have been from a number of other sources. Other people we interviewed told us that it was possible to identify weapons of Albanian origin by the explosive sound made by their bullets.

There is evidence that Albanians get weapons through the so-called 'Balkan drug trafficking route'. According to Polish soldiers and police serving on the Macedonia and Kosovo border, arms are regularly exchanged for drugs on the route: "Drugs are being smuggled into West Europe through the countries of former Yugoslavia. The conflict-ridden regions are receiving weapons in exchange." The route also leads through Poland, where police have apprehended drugs producers and smugglers with Balkan connections, and "a large share of drugs available" on the Polish black market are said to come from the Balkans.²⁷¹

Bosnian sources of supply

There is evidence of arms being shipped from Bosnia to Kosovo. In June 2001, UNMIK police seized a truck loaded with 318 Kalashnikovs, 1,008 rockets and 500 grenades apparently bound for ethnic Albanian rebels in Macedonia. The arms were found hidden in the truck stopped at customs in Pec. The truck had travelled from Bosnia through Montenegro.²⁷²

American support/supply

Various sources suggest American support and supply of the KLA. Stratfor, an American research centre, describes the KLA as "an American proxy", effectively NATO's ground force during the Kosovo war. It also claims that its AK-47 weapons came only with the help of the US, and that the US forces that patrol the border areas could best cut off its supply lines and smuggling routes.²⁷³

International smuggling and brokering of arms

Given the nature of the illicit international arms trade, the extent of external brokering and supply of arms to and from Kosovo is difficult if not impossible to gauge, especially from open sources. However, some activity in this area has been reported. Swiss police uncovered a Kosovo Albanian arms ring in August 2000. Kosovo Albanians living in Switzerland are reported to have commissioned a French businessman to buy anti-tank weapons and ammunition for the KLA, paying him around 4.5 million francs between April and July 1999. The weapons were supposed to be sent to Africa under suspect export documents, but were diverted to Albania in July 1999.²⁷⁴

²⁶⁸ Op cit Reuters, 1 April 1998.

²⁶⁹ Op cit Islami.

²⁷⁰ Op cit Peric-Zimonjic.

²⁷¹ Op cit Pawelczyk.

²⁷² 'Lorry-load of arms seized in Kosovo', B92 News, 15 June 2001.

²⁷³ Op cit STRATFOR, 23 March 2001.

²⁷⁴ 'Swiss hold two in suspected Kosovo arms ring probe', Reuters, 29 August 2000.

Illicit purchases and theft from military stocks (KFOR/Yugoslav security forces)

The extent of any problem involving the theft or illegal purchase of weapons from military stockpiles is difficult to ascertain. However, there have been allegations of illicit arms sales involving both KFOR peacekeepers and the Yugoslav security forces.

During 2000, an arms smuggling ring involving German peace-keeping troops in Kosovo came to light. Arms seized in Prizren as part of a collection and destruction programme were smuggled to another base in the FRY, and then shipped to Darmstadt in Germany through a private haulage firm. German customs officials later discovered the weapons at the premises of the haulage firm. Der Spiegel magazine reported that a German Army sergeant-major was convicted of gun-running last November, while a major, a captain and two sergeants are about to go on trial on 10,094 counts of illicit handling of explosives and 7,144 violations of gun laws. They are alleged to have smuggled truckloads of guns, mortar shells, hand grenades, mines and other explosives into Germany. According to Der Spiegel the scheme was an open secret among German troops, and even the colonel in charge of the investigation showed little interest in the contents of the 18 crates that remained stranded in the Balkans.²⁷⁵

It has also been alleged that in the Presevo Valley the UCPMB, although mainly armed from traditional allies in Kosovo, were able to purchase some black market weapons from the depots of the Serbian army and police.²⁷⁶

Homemade or reactivated weapons

KFOR told us that there is a significant cottage industry in Kosovo for repairing or reactivating old pistols and rifles. A reactivated AK-47 can sell for DM 400 and a reactivated pistol for DM 250.

Supply routes from Kosovo to southern Serbia and Macedonia

As mentioned above, the conflicts in the Presevo Valley and northern Macedonia are being fuelled by Albanian paramilitary groups, armaments and equipment smuggled from Kosovo and Metohija in spite of checkpoints and border controls by KFOR. When the fighting intensified in March 2001, seizures of arms destined for Macedonia increased. A typical seizure was made by troops patrolling the Kosovo/Macedonia border. In February 2002 they intercepted light machine guns, 9,240 rounds of ammunition and more than 100 rifle-launched grenades, and detained about 200 suspected insurgents coming from or going towards Macedonia.²⁷⁷ Although KFOR has detained dozens of ethnic Albanian militants, the smuggling of weapons across the mountain tracks into northern Macedonia seems to have continued unabated.²⁷⁸

Yugoslav officials told us that most weapons seized in southern Serbia since 1997 were of Albanian origin, while the ammunition was largely of Chinese origin. Smaller quantities of weapons, often of poor quality, were said to have come from the former Warsaw Pact countries, including Russia, Hungary and Romania.

Transfers to and from the Federal Republic of Yugoslavia

Between 25 September 1991 and 11 September 2001 during the period of the UN and EU arms embargos,²⁷⁹ arms transfers to the FRY were prohibited. However, recent reports indicate that the FRY is ready to resume trading in the international arms market as soon as the opportunity arises. Up until 1994, only one company (Jugoimport SDPR) had permission to import and export arms to and from the FRY. Since then, other companies have been allowed to import and export sporting and hunting weapons.

²⁷⁵ 'German troops accused of smuggling guns from Kosovo', *The Independent*, 5 February 2001.

²⁷⁶ Op cit Islami.

²⁷⁷ Norton-Taylor R, 'SAS seize Albanians for attack on Serbs', *The Guardian*, 29 March 2001.

²⁷⁸ Strauss J, 'Fears for truce as Albanian rebels kill eight Macedonians', *The Daily Telegraph*, 30 April 2001.

²⁷⁹ On 25 September 1991 the UN Security Council established a mandatory arms embargo on Yugoslavia in Security Council Resolution 713 – this included all the territory of the former Yugoslavia. An EU arms embargo had been agreed some months earlier in July 1991. On 30 May 1992, the UN Security Council adopted resolution 757, establishing mandatory sanctions that applied only to the Federal Republic of Yugoslavia (Serbia and Montenegro).

4

Tackling the small arms and light weapons problem: the story so far

Controlling legal transfers of small arms and light weapons

A STRONG NATIONAL REGULATORY FRAMEWORK on the legal possession and trade of arms is crucial to combating illicit arms trafficking. Export controls in the FRY fall under the jurisdiction of the federal government. Although there is no specialised agency for controlling exports, authorisation by the Ministry of Defence is required. A state-owned trading company, Jugoimport SDPR, is responsible for facilitating most export applications.

The Jugoimport SDPR was established as the Yugoslav state arms trading company in 1949 with responsibility for arms export and import, and despite several transformations since then (the most recent involving new legislation in 1996) it remains totally government-owned and under the control of the Ministry of Defence. Despite the introduction of privatisation programmes in other sectors of the FRY, it is likely that the majority of Jugoimport SDPR's shares will remain with the government (although the civil side of the company may be privatised). The 1996 legislation allows for some privatisation, but 51 percent of shares must remain with the government. Several ministries (including Interior, Finance and Foreign Trade) are represented on the board of directors. Federal law governs the Jugoimport SDPR's export and import roles, and the licensing process usually involves the following steps:

- application to the Ministry of Defence for approval of any visit by foreign nationals or government officials wishing to procure Serbian defence equipment;
- submission of end-use certificates (required for most exports of defence equipment);
- contract enters into force after authorisation by appropriate federal institutions (normally the Ministry of Defence and the Ministry of Foreign Affairs);
- application to the Ministry of Interior and the Ministry of Transport for transportation licence; and
- documentation checks carried out by customs officials at the border and airports.

An export application can be stopped at any stage with no obligation to provide grounds for doing so. A list of restricted destinations is supplied by the Ministry of Defence and the Ministry of Foreign Affairs.

Given the importance of a strong national export control regime and the many developments in export controls over the last decade or so, the expert group consider that the federal government should review its export control policies with the aims of:

- strengthening national export and import controls;
- harmonising such controls with those of other countries in the region around ‘best practice’; and
- considering the establishment of an independent export control agency.

In the first instance, these proposals might be considered by a group of experts established to consider some of the options in more detail. Such a consultation exercise involving groups with an interest in export controls would be a valuable contribution to the improvement of policy in this area. A number of external organisations and agencies, both governmental and non-governmental (including Saferworld and the Stockholm International Peace Research Institute) would probably be willing to facilitate an initial meeting.

As an initial confidence-building mechanism, the FRY could also begin to share information on relevant national legislation and current practice on export procedures and documentation, and national procedures for the control of the manufacture, export and import of small arms (especially information on national standards for marking, record keeping and tracing of SALW) with other countries in the region. Information exchange on end-use controls and monitoring systems should also be a priority. End-use assessment, certification and control systems currently vary significantly across Europe, and they mostly remain too vulnerable to circumvention, forgery or non-compliance. Some initial work on exploring the potential for harmonising elements of end-use/end-user certification in the region has already been undertaken. At a regional conference in Sofia in December 1999 (under the auspices of the Stability Pact) the participants agreed a Statement on the Harmonization of End-Use/End-User Certificates which tables a number of proposals in this area. It is particularly important to build on the work of the ‘Sofia Statement’ to develop common approaches and minimum standards relating to end-use controls for arms transfers.

Another option for the federal government would be to consider aligning itself explicitly with the principles of the EU Code of Conduct on Arms Exports. The EU associate countries in South Eastern Europe (Bulgaria, Romania and Slovenia) have substantially strengthened their national export controls since aligning themselves to the EU Code of Conduct in August 1998.

Any review of national export controls should also ensure that effective regulatory controls on arms brokering activities by Serbian nationals (or by companies or individuals based within the jurisdiction of the FRY) are in place. The few countries that already have such regulations have adopted different approaches which provide scope for arms brokers to exploit inconsistencies or gaps in regulations. It will be important for all countries in the region to adopt common regulations and controls on arms brokering activities. Provisions for this were discussed in the negotiations for the UN ‘Firearms Protocol’. The federal government will need to establish a programme to accelerate and co-ordinate the implementation of any agreement.

The main elements of a common approach are: shared understandings of definitions of arms brokering (and associated transshipment) activities; common approaches to licensing requirements for such activities; and agreement to criminalise unlicensed activities.

Transparency in export control policy

It is now widely recognised that increased transparency in national and European export control policy and practice is essential if governments are to be held accountable to their national export control guidelines and multilateral agreements such as the EU Code of Conduct and the OSCE Small Arms Document. Increased transparency in

the export control policy of the FRY would allow the non-governmental community to play an important role in aiding governments' efforts to curb diversion of arms by providing oversight through research, questioning and reporting. Of course, transparency has its limits. In terms of both scope and level of specificity, an appropriate balance is needed between disclosure and secrecy.

An expert group could also be given the task of reviewing the options for developing more effective transparency and oversight mechanisms for export controls in the FRY.

In South Eastern Europe only Italy publishes an annual report on its strategic exports (and has done so since 1990) which is freely available to public and parliamentarians alike. Romania is expected to do so shortly. There is little parliamentary scrutiny of export licensing systems within the region. On both these issues, the FRY could develop innovative proposals and take a leadership role.

In working towards improving accountability and transparency in relation to production, transfers and holdings of arms, there are several national and co-operative options that the FRY should consider in this context, including:

- the introduction of an annual report on FRY arms transfers, including transfers of small arms and light weapons;
- developing arrangements for the regular exchanges of public information amongst countries in the region on production, holdings and transfers of SALW;
- developing arrangements for regular exchanges of public information of management and destruction of surplus and confiscated arms, and on authorised arms manufacturers and dealers; and
- promoting improvements in democratic accountability and parliamentary oversight over arms transfers, relating both to post hoc oversight of decisions taken and mechanisms for prior consultation on sensitive export licence applications.

Controlling the availability, use and storage of small arms and light weapons

Stockpile management

The expert group did not have the opportunity to assess existing arrangements for stockpile management in Serbia, Kosovo or Montenegro and there appears to be no publicly available data on this issue.

We were informed by Serbian government officials that all the weapons confiscated by the VJ from ethnic Albanians in Kosovo during 1998–99 were removed to Ostrovica near Belgrade, but were subsequently destroyed by NATO bombing before an accurate count could be made. Although it is impossible to be precise, it is estimated that several hundreds of thousands of seized weapons were stored at Ostrovica. In addition, all the evidence from records and police registers related to the seizures remained in Kosovo as part of the peace agreement with KFOR.

Experience suggests that one of the major sources of illicit or destabilising small arms and light weapons is existing official stockpiles. Thefts, losses or corrupt or unauthorised sale of weapons from military or police stocks are a problem in all states. The FRY is unlikely to be an exception to this rule, and the federal government could usefully establish a programme to review and improve national procedures for stockpile management and security. Such a programme could be conducted within the framework of NATO's Partnership for Peace/EAPC and other international programmes in this area – once the FRY has fulfilled the requirements for membership. Elements of such a programme could include:

- regular stocktaking of existing holdings of arms, ammunition, and associated equipment;

- co-ordinated reviews of security of existing stocks of weapons, both within storage facilities and equipment held by police, armed forces and other authorised personnel;
- programmes to enhance stockpile management and security, including information exchange and identification and dissemination of good practice, and joint training programmes; and
- reviews of existing stocks to identify surplus stocks and stock which can be transferred to secure central storage facilities.

Marking and tracing of small arms and light weapons

It is now widely recognised that improved systems for marking and tracing arms can contribute substantially to international efforts to combat illicit arms trafficking and proliferation of SALW by increasing accountability and enabling authorities to trace sources and diversion points of suspect or confiscated weapons. Agreements on marking, record-keeping and tracing firearms were outlined in the OSCE Small Arms Document and the UN 'Firearms Protocol' and several proposals were made at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The expert group were unable to establish the extent and effectiveness of marking and tracing mechanisms within the FRY, but experience suggests that much work will be needed in this area. Most arms manufacturers have a system for identifying or registering the arms they produce, and members of the expert group were advised during their visit to Zastava Arms that no part of any product leaves the factory unmarked, and that only a few items are stolen each year.

Although this was not an issue that the expert group reviewed in any depth, it is the general practice in other countries, and presumably also in the FRY, for serial numbers to be imprinted on one or more parts of the weapons at the point of manufacture. However, the situation in other countries at present suggests that there is little consistency or information exchange (even among EU member states) about how this is done, and there are gaps. Sometimes the marking systems are not unique. Moreover, weapons are not always individually marked, and where they are the identifying marks can sometimes be easily removed. Most importantly, perhaps, systems for co-operation in tracing lines of supply of confiscated illicit or dubious arms (for example to identify and close diversion points) remain very inadequate. Computerised national registers of civilian-held armaments (as introduced in Slovenia) and military armaments are crucial in this respect

It is recommended that the federal government review current systems for marking and tracing SALW with the aim of developing national initiatives to accelerate implementation of marking, record-keeping and tracing commitments within the UN 'Firearms Protocol' and OSCE Small Arms Document. Priorities should include:

- ensuring that all small arms and light weapons are uniquely and indelibly marked;
- developing and agreeing guidelines on marking parts, components, ammunition and other military goods;
- ensuring that arms in existing stocks are adequately marked; and
- facilitating exchanges of information with other countries in South Eastern Europe in relation to marking systems, record-keeping, and contact points to facilitate tracing.

Controlling the civilian possession and use of small arms and light weapons

In recent years, the FRY has sought to overhaul and revitalise existing national procedures against firearms-related crimes, through the drafting of a new law covering both the possession and carriage of firearms in 1998. Since October 2000 the FRY has been working with the OSCE and receiving additional international technical advice on this issue.

The civilian possession of firearms is regulated by federal law and is said by Ministry of Interior officials to include a very rigorous licensing system. There are also customs controls for imports and transit of firearms. Private companies and individuals in the FRY can sell firearms but only under strict guidelines established by the Ministry of Interior. The Ministry also has a 'discretionary right' to prevent authorised private sellers from operating. Obtaining and use of automatic weapons is strictly forbidden (and civilian possession is limited to handguns and sporting weapons).²⁸⁰

We were told that 90 percent of criminal activity involving firearms in Serbia is carried out with illicit firearms, and of the 10 percent involving legally held weapons, only one or 2 percent related to armed crime (the rest being associated with personal injuries, self-inflicted wounds, suicides etc).

Serbia has just over a million registered weapons. In 1998 the Federal Republic drafted a new law covering both the possession and carriage of firearms. This was the first time within the FRY that this distinction had been made, and the law also introduced new innovative guidelines on weapons training for licensed gun owners. An amnesty period of 90 days also preceded introduction of the law, during which time citizens could either return illegal classes of weapons or seek to legalise their possession. Although citizens were granted immunity from prosecution under the new firearms legislation, there was no immunity from criminal prosecution if the weapons were found to have been used in criminal activities. The gun amnesty was backed by a media campaign, and some 60,000 weapons were legalised during the amnesty. In addition, some 7,000 automatic weapons were confiscated. We were told that a further legalisation process may be considered in the future, and the authorities are also considering a 'buy-back-programme' (in which citizens would be encouraged to sell their weapons back to the state).

Another innovative aspect of the 1998 legislation is the introduction of a gun tax (which came into effect in May 2001). For a licence to carry weapons individuals are required to pay 4,000 dinar per weapon. The licence allowing carriage is issued for five years and thereafter needs to be reviewed. For possession of weapons, different tax levels apply depending on the type of weapon, eg 900 dinars for a pistol or revolver, and 600 for a hunting rifle. Officials we spoke to suggested that there is some evidence of weapons being handed in as a result of the introduction of the tax, especially among collectors who are facing large tax bills.

Since the introduction of the new legislation in 1998, 1,667 new licences covering both possession and carriage categories have been granted. Under the terms of a possession licence, the weapon has to be dismantled prior to being transported (eg from the owner's home to a shooting club).

The current law allows for the use of weapons in self-defence, and new criminal legislation is expected to allow gun use in defence of property as well as life. The sanctions for illegal possession or carriage of weapons varies from a conditional sentence (probation) for a first offence of illegal possession to six months to five years imprisonment for illegal carriage of an automatic weapon.

About 50 security companies are licensed to employ armed personnel (currently numbering 3,645), but individuals working for the company (rather than the company itself) are required to apply for a licence permitting carriage of weapons. These 3,645

security personnel are licensed to carry 1,602 weapons (consisting of 1,374 pistols and revolvers, 160 automatic weapons, 44 semi-automatic weapons, 15 pump-action shotguns and nine carbines). There are two types of security company: those that are licensed to provide security services on their own premises and those that are licensed to provide security services to third parties. Both types of company are required to provide statements that the people they employ are suitable (eg they have no criminal record and no evidence of mental instability) and adequately trained for those purposes, have satisfactory weapons storage facilities and register with a competent court. The Ministry of Interior monitors and controls the suitability of private security companies and the legality of their work. A strong emphasis is placed on training.

There are 39 registered premises within Serbia that are licensed to provide training to civilians on gun use. Training takes place in two parts: one week of theoretical training (covering weapon characteristics, how to dismantle weapons, ammunition etc, legal responsibilities and circumstances for use) and one week of practical training, followed by exams.

Controlling civilian possession of weapons is critical to an integrated approach to small arms control. Many countries that are newly emerging from conflict have outdated civilian possession laws, if they have any at all. This is not the case in Serbia, which appears to have effective and comprehensive possession legislation.

Kosovo

Weapons legislation was originally a KFOR task under UN Resolution 1244. Further, under Resolution 1160 governing the arms embargo on the FRY, only the Kosovo police were entitled to carry weapons. KFOR Directive 12 was quickly introduced to outlaw the carriage of weapons. However, criminal prosecutions under the pre-1989 legislation (when Miliosevic suspended the province's autonomy) carried only minor penalties (a maximum of eight days in jail) for carriage of weapons. UNMIK therefore began to look at this issue on the basis of three assumptions:

- there were growing numbers of crimes involving weapons, political intimidation by armed thugs and a general lack of security for ordinary Kosovo citizens;
- there was a need to redraft the legislation; and
- at the beginning at least, there was only a poorly trained police and judiciary to enforce the legislation (international judges only deal with serious criminal cases).

In addition, the UNMIK police are not familiar with the Kosovo legal codes (and the vast majority follow their own national codes) resulting in many cases being dropped because of malpractice.

In February 2001, UNMIK introduced a new regulation (No 2001/7) on the authorisation of possession of weapons in Kosovo (see appendix 5). It takes an anti-crime perspective and seeks to end the daily and open carriage of weapons (such as the Scorpio machine pistol), particularly in the urban environment. It is expected to work largely on a deterrent basis by the introduction of new stiffer penalties (a ten-year maximum jail sentence). These will apply after a short gun amnesty and a three-month information campaign in three phases. The first phase involved extensive media coverage and a leaflet campaign. Local political leaders were engaged at this stage but not civil society groups. The second phase aimed to raise awareness of the gun amnesty and again used extensive media coverage and a poster campaign. The third phase was the actual gun amnesty from 1 May to 3 June 2001.

The new regulation is expected to fill a void in the short term and is likely to be replaced by more comprehensive legislation in the future. UNMIK told us that criminals are genuinely concerned about the regulation, which will make it easier to obtain convictions than in other areas, such as money laundering. However, UNMIK also recognise that the regulation is not seen as credible in some circles; there is an idea

that the regulation will not be enforced (UNMIK dismisses this). However, 'law abiding elements' (wives, mothers and other interest groups) are said to be strongly in favour of the regulation.

Another key feature of the regulation is that those considered vulnerable to attack can apply for a weapons authorisation card (WAC) to enable the continued carriage of weapons. The licensing conditions in the regulation appear restrictive (see appendix 5) and seem to be borne out by early figures. With effect from 4 June 2001, the following WACs had been granted:

- KFOR WACs: 317 (217 pistols and 100 automatic weapons); and
- civilian WACs: 400 (approximately 50 percent for political parties/body guards, 25 percent for members of the judiciary and 25 percent other vulnerable citizens, such as journalists and 33 for a single security company). Only ten of these WACs are for automatic weapons, the remainder are for pistols.

Although figures of civilian WAC refusals were not available, UNMIK told us that a great many have been turned down. In the three days prior to our visit 65 applications were received and only seven were authorised. In order to build up trust and encourage applications, there are no follow-up checks on the weapons status of those applicants who are turned down.

Legislation on hunting and recreational gun use is also being drafted. But this is likely to be worded to permit possession of such weapons without the need to apply for a permit (in keeping with the alleged cultural tradition of gun ownership). Instead, it will attempt to secure the right to obtain registered lists from hunting and shooting clubs. This is seen as a pragmatic approach which focuses attention on the problem of armed criminal activity.

The licensing of private security companies is a particular cause of concern. Some of these companies are seen simply as armed protection rackets. Of 25 known private security companies, only 13 applied for licences. Of the 13, seven were granted licences (two unarmed and five armed).

The expert group recommend that the new regulation be reviewed after 18 months of operation (ie in August 2002), with a view to strengthening the regulation where appropriate and/or replacing it with more comprehensive legislation.

Preventing and combating illicit arms trafficking

Serbia

The Ministry of Interior of the Republic of Serbia is responsible for border guard management. Federal law regulates the crossing of state borders and customs controls are in place to prevent transfers of firearms and other illicit goods. Almost all border crossings have expert teams to discover smuggled weapons – 20 sniffer dogs were specifically trained for this purpose. There are also similar checkpoints on crossings into Kosovo. In 1998 for example, a large cache of AK-47s hidden in trucks carrying humanitarian aid from Bosnia to Kosovo were intercepted.²⁸¹

Both the Serbian police and customs have a special agency for combating weapons and other types of smuggling, and a range of other agencies have a crucial role to play in enforcing regulations to combat illicit trafficking in small arms, including intelligence agencies, border guards, the judiciary and the military.

The expert group suggest that, where appropriate, the investigative capabilities of these agencies should be strengthened, and inter-agency co-ordination improved. The identification of contact points within individual agencies and organisations is a

specific measure, which should be easy to implement (and is required under the Stability Pact's Regional Implementation Plan). Other specific measures that the federal government might wish to consider include:

- reviewing the adequacy of existing laws, regulations, and administrative procedures to prevent or combat illicit arms trafficking, and accelerated implementation of commitments and best practices agreed at regional and international level (such as those established in the OSCE Small Arms Document and the UN Firearms Protocol); and
- establishing regular national reviews of the capacity of each of the national agencies involved in preventing or combating illicit arms trafficking to ensure that they can fulfil their tasks. This should include measures to ensure adequate (and compatible) systems for record-keeping and communication within and between relevant agencies, and for co-operating in monitoring, tracing and controlling possession and movement of arms across borders.

In the post-Milosevic era, there are also greater opportunities for improving regional co-operation to combat illicit arms trafficking, through groups such as the South East Europe Initiative, and through improved bilateral relations. Indeed, the Stability Pact's Regional Implementation Plan envisages the establishment of a Regional Clearinghouse for SALW Reduction in Belgrade under UNDP auspices that would supply a wide range of regional actors with advice on formulating and implementing SALW project proposals. At the same time the Clearinghouse would serve as a forum for information sharing. This is a welcome development, as is the proposal to establish a Regional Steering Group consisting of 'national focal points', to ensure the relevance, consistency and regional ownership of the work of the Clearinghouse. To support the results of these activities, donors have also agreed to establish a 'Set Aside Fund' of financial resources dedicated to project fulfilment.

Kosovo

KFOR has responsibility for securing the Kosovo borders. During our visit we were informed of their strengthened resolve to intercept illicit weapons crossing into northern Macedonia and southern Serbia. Legislation has also been introduced to enable KFOR to carry out stop and search operations and these powers will be extended by forthcoming anti-terrorist legislation. In addition, a co-ordinating cell has been established between KFOR and the Ministry of Defence in Macedonia. However, it was stressed that it is impossible to seal the borders, partly because of the terrain and partly because smuggling has been going on in the region for 500 years. Operational initiatives include selective checkpoints and house searches.

KFOR told us that they had set up a criminal investigation unit to tackle illicit arms trafficking, and confirmed that illicit arms reach Kosovo from Albania, Croatia and Bosnia through many routes. If one route is closed they simply switch to a different route. There are at least 30 identifiable routes into Macedonia and many more well-trodden paths. In response to recent criticism, KFOR has increased deployment of night vision technology and helicopters and increased intelligence gathering. KFOR also prioritises seizure of light weapons, such as large mortars and rockets, through intelligence gathering and tracking money sources.

The expert group consider that KFOR should continue to prioritise the interception of illicit arms in Kosovo, and especially weapons crossing into northern Macedonia and southern Serbia.

Collecting and removing surplus arms from civil society

Serbia

A gun amnesty was introduced by the Ministry of Interior in 1997 to provide an opportunity for those in possession of illegal firearms to either apply for a licence or hand in their weapons. The policy was repeated in 1998 for handguns and sporting rifles.²⁸² We were told by officials that illicit weapons seized in southern Serbia are normally recorded (where possible, the serial numbers are registered) and then destroyed by melting. Some are retained as evidence in criminal prosecutions and others are deactivated and then included in museum collections.

Small arms and light weapons destruction programme

9 July 2001 was the opening day of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in New York, and was also earmarked as an 'international day devoted to small arms destruction'. On this date the Yugoslav authorities announced that they were planning to destroy surplus stocks of SALW, particularly those seized from illicit users.²⁸³ Given that the destruction of SALW is the only way in which collected weapons are permanently removed and prevented from re-entering the supply chain, this was a welcome announcement.

On 30 September 2001, the US agreed to finance the destruction of 51,000 SALW by the Technical Repair Bureau in Cacak (at a cost of \$400 million). Destruction began in October and was completed by the end of 2001.

As part of this destruction initiative, the federal government will also need to develop guidelines and minimum standards to ensure responsible disposal of future surplus weapons and ammunition in official stockpiles or civilian possession and confiscated illicit weapons. In adopting good practices in this area, the FRY could also promote international destruction standards and programmes, including:

- seeking a regional agreement to ensure that transfers of surplus SALW are subject to at least as rigorous controls and restraint as newly produced weapons and should be expeditiously destroyed where there is no immediate legitimate requirements for them;
- establishing information exchange systems relating to the collection and destruction of surplus or confiscated weapons and ammunition, including public transparency measures on numbers and types of weapons destroyed; and
- guidelines that countries in the region should have systems in place for regularly reviewing and renewing licences for civilian possession of firearms, and programmes to encourage citizens with surplus arms to hand them in to authorities for destruction.

In order to carry out future collection and destruction of surplus and confiscated weapons, the international community should give urgent consideration to the following three proposals:

- given the positive experience of the voluntary weapons-for-development collection programme and other wider collection programmes in Albania, the initiation of an additional weapons-for-development programme in southern Serbia. (Northern Macedonia and Kosovo should also be considered for such programmes.) The international community (especially the UNDP, the OSCE and EU Stability Pact) will need to act in partnership with the federal government and local communities in southern Serbia in developing and implementing such a programme;
- the establishment of a permanent commercial weapons destruction facility at Cacak in Serbia and/or the development of the facility in Kosovo for this purpose; and
- the launch and development of further public education and awareness-raising campaigns based on similar initiatives within the Gramshi project in Albania and the Yugoslav Red Cross in Serbia.

²⁸² Ibid.

²⁸³ 'OSCE welcomes Yugoslav announcement to destroy small arms and light weapons', OSCE press release, 10 July 2001.

Kosovo

KLA demobilisation and weapons collection

According to Jane's Defence Weekly, more than 9,000 rifles, 800 machine guns, 300 anti-tank weapons, 178 mortars, 27,000 hand grenades, 1,200 mortar bombs, over a tonne of explosives and 5.5 million rounds of ammunition were handed in by the KLA as part of the 'Undertaking of demilitarisation and transformation', signed by the KLA on 21 June 1999. The undertaking stipulated that the KLA would hand over its weapons to be stored under NATO supervision.²⁸⁴

In our briefing from KFOR we were told that around 12,000 weapons were collected from the KLA during its demobilisation. Although it was recognised at the time that they had not collected all the KLA weapons, the priority then was the threat from the VJ. With the benefit of hindsight this was clearly a mistake, and the international community should have insisted on a full inventory of the KLA's arsenal. The KLA weapons are currently stored in containers.

The expert group consider that an agreement to destroy these weapons should be negotiated with the successors of the KLA at the earliest opportunity.

Seizures and destruction of illicit weapons by KFOR

As at September 2000, KFOR's 43,000 peace-keeping force had destroyed more than 372,000 rounds of ammunition, 4,000 weapons and 315 pounds of explosives – weapons which could have equipped four infantry battalions.²⁸⁵ We were told by KFOR that the current total of weapons seized is around 6,200 (mainly from check-points, house searches and on-the-spot searches) and this figure includes around 100 weapons per month handed in on a voluntary basis. Table 3 below is a representative sample of the type and quantity of SALW collected by KFOR each month.

Table 3: Total weapons and ammunition collected by KFOR in April 2001²⁸⁶

Automatic Weapons	40
Rifles	199
Shotguns	14
Handguns	94
Hand Grenades	143
Rifle Grenades	114
A/T Rockets	20
Shells	19
Mines	18
Rounds of ammunition	20,627
Kilos of explosives	12.4

The method of destruction was originally cutting but this was found to be ineffective as some weapons were later reactivated. A joint venture was established involving British army engineers and local people to convert a factory for the purpose of smelting and crushing the weapons. So far, 5,300 weapons have been destroyed in this way – and the resulting scrap metal is used to produce ashtrays and candlestick holders. However, the expert group were informed that this commercial weapons destruction facility is no longer operational and requires refurbishment.

The expert group recommend that the international community urgently consider the provision of financial support to enable this facility to re-open. This might be made conditional on the facility accepting surplus and confiscated weapons from Serbia.

²⁸⁴ Kusovac Z, 'Disbanded KLA to transform in 60 days', *Jane's Defence Weekly*, 29 July 1999.

²⁸⁵ Op cit Piatt.

²⁸⁶ KFOR Briefing Document, 14–18 May 2001.

UNMIK weapons collection amnesty

UNMIK announced that Kosovo's citizens would be able to surrender their weapons without fear of prosecution during an amnesty period from 1 May to 3 June 2001. Announcing the amnesty, UNMIK Police Commissioner Christopher Albiston said that: "We want to see rifles, automatic guns, assault rifles, grenades, mines, bombs, rocket launchers – all the paraphernalia of war – off the streets, out of the houses, out of the barns, out of the haystack, out of the concealment in the forest and all the rest of it."²⁸⁷

Under the terms of the amnesty those who turned in weapons were not asked for names and addresses, nor were they asked details about the origin of the weapons. The weapons handed in were also exempted from any subsequent intelligence operation or forensic analysis that might place the 'owner' in an awkward position. Persons found with unauthorised weapons after the deadline will face prison sentences of up to ten years. The amnesty programme was part of a larger anti-crime effort aimed at taking out of circulation the huge quantity of weaponry that remains in Kosovo nearly two years after the conflict.²⁸⁸

However, opinion on the likely effectiveness of the amnesty was mixed. One member of the international community described it as 'window dressing'. Indeed, during the first week of the amnesty only 26 rifles, eight pistols and four support weapons were handed-in (and most of these were described as 'useless'). Moreover, according to one estimate only around 200 weapons were expected to be collected during the amnesty.

During our visit, UNMIK defended their approach by arguing that the change in the security environment since they devised the amnesty programme in January (namely the deteriorating situation in Macedonia and southern Serbia) had affected the take-up rate. But they were still expecting significant quantities of weapons to be handed in, although the quality of the weapons was likely to be low.

By the closure of the amnesty period just under 1,000 had been surrendered, and UNMIK police spokesman Charley Johnson said: "The campaign has not been successful – thousands and thousands of weapons have yet to be handed in. We'll try our best but we have no illusions. Serbia itself failed to disarm Kosovo's Albanians."²⁸⁹

When planning the amnesty, UNMIK also discussed the possibility of introducing a weapons buy-back programme, but this was rejected as being likely to lead to an increase in criminality. However, UNMIK told us that they had not ruled out the possibility of developing a weapons-for-development programme at a later date.

The expert group recommend that UNMIK, the UNDP and other international donors should give urgent consideration to the development of a weapons-for-development programme in Kosovo.

Increasing transparency and accountability

Serbia

In the past, authorities kept most state-related functions secret – and arms control issues were no exception. This led, as one official confirmed, to many incorrect assumptions about the extent of SALW diffusion. There was also a general recognition among most officials we met that state institutions will need to be more transparent in the future.

There is wide scope to increase transparency in the FRY (and other countries in the region) on the production, storage and transfer of arms, especially SALW. This would

²⁸⁷ UNMIK News Reports, 12 April 2001.

²⁸⁸ Ibid.

²⁸⁹ Cenaj A, 'Kosovo arms amnesty flounders', IWPR Balkan Crisis Report No 252, www.iwpr.net, 1 June 2001.

be in the interests of democratic accountability and could also help to develop wider international transparency arrangements in these areas.

Now that the FRY has returned from international isolation, it seems likely that the country will also resume participation in the UN Register of Conventional Arms, as well as the confidential information exchanges required by OSCE confidence and security building measures.

Kosovo

We gained the strong impression that the various organisations and agencies that make up the 'international community' tend to follow their own individual mandates, with very little attempt at co-ordination and information exchange. There also seemed to be insufficient use of local capacities and research skills in designing and implementing projects in the province.

The expert group consider that where possible, any future arms control initiatives within the province should utilise local researchers.

Reforming the security sector

It is important to promote efforts to provide citizens and communities with a secure and just environment. Promotion of appropriate development and reform of the security sector, and particularly the police, needs to be encouraged. In both Serbia and Kosovo relations between the police and civil society are key to the evolving security dynamic.

Although police reform has been initiated in both Kosovo and Serbia, more needs to be done to develop the capacity of multi-ethnic community policing. Levels of trust in the police need to be improved so that individuals within all communities (but especially ethnic Albanians in southern Serbia and the Serbs in Kosovo) feel confident to report armed crime and share information on the illicit trade of small arms. The work of the OSCE in helping to establish democratic control and oversight of police forces in Serbia and Kosovo will be crucial in addressing the links between tackling SALW diffusion and police reform.

On 17 December 2001 the OSCE Mission to the FRY and the Serbian Ministry of Interior organised a co-ordinating meeting on police reform, which brought together officials of the Serbian government (and other governments) and international experts to discuss priorities for police reform. This meeting followed the publication of a comprehensive study on policing in the FRY carried out by the OSCE mission at the invitation of the Serbian authorities. The following areas were singled out as future priorities: police education and training, police accountability, internal control, combating organised crime, forensic science, border policing and local community policing.

The OSCE mission was formally requested to co-ordinate all international assistance (including those conducted on a 'solely' bilateral basis) for police reform in Serbia, which clearly gives the OSCE a special status within Serbia. This was partly due to the success of the multi-ethnic training programme and the consequent multi-ethnic policing practice in southern Serbia organised by the OSCE. The OSCE also plans to create a database of all these programmes and related documents, including progress reports to the Ministry of Interior, to donors and the OSCE Secretariat in order to maintain institutional memory and avoid unnecessary overlaps.

Given that corruption and bribery are widespread throughout all ranks of the police service, and there are no legal provisions for internal controls to tackle such corruption, improving accountability is another major issue. To this end, the OSCE mission

has commissioned a study on the internal situation of the police. The reform process is being hampered by internal disputes within the ministry and political infighting, however. After the DOS won an absolute majority in the Serbian parliament and formed the government in February 2001, the appointment of the new police minister turned into a tug of war between Prime Minister Djindjic and President Kostunica. The eventual compromise candidate, New Democracy leader Dusan Mihajlovic, has since shown that his basic loyalty is to Djindjic.

Serbia

Reform of the Yugoslav Army

Efforts aimed at reforming the army have also fallen victim to political infighting. Although Serbian Prime Minister Djindjic favours tangible structural changes, these were put on hold or replaced with purely cosmetic ones. This is mainly because Chief of Staff General Nebojsa Pavkovic (who won Kostunica's support on 5 October 2000) sided with the president. At the same time, the forces of Serbia's Ministry of Interior, numerically nearly as strong as the VJ, fell into Djindjic's camp. The army remains in the grip of the old generals who have no interest in structural reforms. A key structural problem is that as Montenegro does not recognise federal institutions, the VJ functions as a de facto Serbian army. This may now change following the new political settlement between Serbia and Montenegro brokered by the EU in March 2002.

Despite these difficulties, the transformation of the VJ is an ongoing process, which began in 1996. In June 2000 a new military doctrine was proclaimed and in December 2001 a major restructuring of the armed forces was announced. But in light of the political struggles it is not clear how substantial these changes will be in reality.

The VJ has also begun to accept responsibility for some of its past actions and has charged 183 of its soldiers with war crimes in the Kosovo conflict.

However, while security sector reform is on the agenda, the process remains in its infancy. In April 2001, the Ministry of Defence organised a government meeting on the restructuring of the military and security forces, with particular emphasis on establishing parliamentary control of the military. One official within the Ministry of Defence suggested that the size of the VJ would be reduced from around 80–90,000 troops (it was difficult to be precise on current numbers because of fluctuations caused by reservists) to around 65,000 soldiers. Others suggest an even lower figure of 30,000, with an increase in professional soldiers.²⁹⁰

The expert group consider that the VJ would benefit from joining the Partnership for Peace, and while it is recognised that certain conditions will have to be met, all parties (both the federal government and NATO) should explore how to accelerate the membership process. In the meantime, all sides should consider whether some of NATO's outreach and training programmes (especially in relation to SALW) could be made available prior to accession.

Multi-ethnic police training in southern Serbia

The OSCE is overseeing a multi-ethnic police training programme in southern Serbia as part of the May peace agreement. The programme has three phases:

Phase 1: Three five-day refresher courses for former police officers and reserves.

This was completed on 7 June 2001, resulting in the successful introduction of mixed Serb/Albanian patrols in the area;

Phase 2: A five-week training programme for 40 candidates with some police background (which commenced in June 2001); and

Phase 3: A 12-week basic training programme for new recruits (which started on 31 July 2001).²⁹¹

The aim of the third phase is to train a larger number of multi-ethnic police officers on a more permanent and systematic basis. The OSCE is also working with the Serb authorities to create a centre for multi-ethnic police training, and is exploring the possibility of obtaining international assistance to improve communication links and establish a network of local police stations in the area.

A key difficulty is the recruitment of ethnic Albanians to this new police force. (Similar problems are found in other parts of the world, such as Northern Ireland, where there have been problems in attracting police recruits from ethnic or religious minorities, either because political reforms are judged to be insufficient or because of intimidation from extremist elements of the ethnic or religious community). During our visit we were told by Serbian officials that 20 former police officers from the ethnic Albanian population were offered the opportunity to rejoin the police force, and that 16 had accepted.

In addition to its successful training programme in southern Serbia, the OSCE mission, in co-operation with the Ministry of Interior, launched an advanced training course in Belgrade in January 2002. Every uniformed policeman has to complete this one-week training course, which will focus on police ethics, self-defence and an update on current and draft legislation concerning the police and its activities.

One of the most important joint projects of the mission and the Serbian Ministry of Interior in 2002 is to organise a census on the territory of Serbia.

The expert group consider that more work needs to be done to explore how the role of NGOs in developing non-violent responses to emerging conflict situations and in bridge-building with police, military and paramilitary organisations might be enhanced.

Kosovo

The key to restoring law and order in Kosovo is the creation of a local police force, trained by international police detailed to the province. This was envisaged in the June 1999 Security Council Resolution 1244, but by June 2000, less than half the expected international police had arrived, and the training programme which began in September 1999 was said to be proceeding 'at a snail's pace'.²⁹² In the following 12 months, however, progress seemed to improve.

We were told by UNMIK that the aim is to recruit and train 6,500 officers within the KPS and as at December 2001 the figure stood at 4,392.²⁹³ The OSCE and the UN are working together to recruit and train the officers, and they have undertaken several key activities to this end, including:

- the establishment of the KPS school in Vushtri, the traditional site of police training in Kosovo;
- the provision of 'basic training' (which includes courses on democratic policing, criminal investigation, legal affairs, police patrol duties, use of firearms, traffic control, forensics, conflict intervention and handling of refugees); and
- the provision of 'specialised training' (which includes 19 weeks of field training in conjunction with UNMIK police).²⁹⁴

Quota systems are also being applied: the aim is for a maximum of 80 percent of recruits to be male, and 20 percent of positions are reserved for minority groups,

²⁹¹ 'First phase of multi-ethnic police training in southern Serbia a success', OSCE press release, 7 June 2001.

²⁹² Op cit IISS.

²⁹³ 'Class 17 graduates from OSCE Kosovo Police Service School', OSCE press release, 13 December 2001.

²⁹⁴ OSCE Mission in Kosovo, Mission Factsheet.

mainly Serbs. Of the 286 cadets that graduated from 'Class 17' in December 2001, 30 came from the 'smaller communities' in Kosovo and 14 were women.²⁹⁵ So far, the recruitment process has been very competitive, at least among ethnic Albanians.

Demobilising and reintegrating former combatants

Serbia

The situation in Serbia appears analogous to that in some of the states of the former Soviet Union, where a significant proportion of the hundreds of thousands of former soldiers demobilised from the armed forces joined private security companies. Numerous connections between unemployed ex-soldiers and organised crime are becoming apparent. However, the expert group were not made aware of any demobilisation and reintegration programmes either planned or being undertaken within Serbia.

It is the view of the expert group that demobilisation strategies should be developed and put in place as soon as possible. There are three areas in particular, where such programmes might be considered by the Serbian authorities (with the support of the international community):

- demobilisation and reintegration of personnel within the regular armed forces, for example, as part of any future reduction in the size of the VJ;
- demobilisation and reintegration of Serbian paramilitary groups, including those that were expelled from Kosovo and those operating within Republika Srpska; and
- demobilisation and reintegration of ethnic Albanian paramilitaries in the Presevo Valley in southern Serbia.

A number of demobilisation and reintegration programmes for military personnel are already underway in South Eastern Europe under the auspices of the Stability Pact – in Bulgaria, Romania and Croatia (conducted by NATO) and Bosnia-Herzegovina (funded by the World Bank). These may provide valuable lessons for similar programmes in the FRY. In the case of Serbia, the Stability Pact should consider co-ordinating the necessary financial support for such programmes and the further allocation of long-term funding to promote economic development in local communities most seriously affected by demobilisation programmes.

As a possible transitional solution, private security firms/companies in Serbia could be allowed to absorb some of the former combatants and act as 'supplement' to public policing. This, however, would require a well-defined legislative framework to ensure their accountability to the public.

Kosovo

Demobilisation of the Kosovo Liberation Army

The 'Undertaking of demilitarisation and transformation', signed by the KLA on 21 June 1999, stipulated that the KLA would hand over its weapons to be stored under NATO supervision.²⁹⁶ The replacement KPC was envisaged as an unarmed civilian emergency service agency with 3,000 regular and 2,000 reserve members, given the task of:

- providing disaster response;
- performing search and rescue;
- providing humanitarian assistance in isolated areas;
- assisting in demining; and

²⁹⁵ Op cit OSCE 13 December 2001. Apart from Serbs and Albanians, minorities such as Bosniaks, Turks, Roma and Ashkali are typically estimated as comprising around three percent of Kosovo's population.

²⁹⁶ Op cit Kusovac.

- contributing to rebuilding infrastructure and communities.

It is expected that the Albanian complement of the KPC will almost exclusively be made up of ex-KLA members. It is stipulated that at least 10 percent of the KPC members will be from Kosovo minority groups, although it was hard to envisage that local Serbs would accept serving alongside former KLA members and under the command of General Ceku, the former KLA chief of staff.

The proposals were for the KPC to be unarmed, except for side-arms to be carried only by authorised officers, but with an allowance of 200 weapons to guard headquarters and bases, and a further 1,800 rifles to be held ‘in trust’ by KFOR. The proposed structure of the KPC, curiously similar to the KLA’s wartime organisation, was for a single KPC headquarters, six regional task groups, a guard and rapid reaction group, support group, leader academy and a training centre. It was also expected to comprise information analysis, operations, transport, engineering, close protection, communication, environmental and chemical, medical and air elements.²⁹⁷

The extent of the actual demobilisation is contested, however. According to KFOR, the KLA has been demilitarised and transformed, with former combatants “now contributing to the rebuilding of Kosovo as civilians, through their participation in the Kosovo Police Service or in the provisional Kosovo Protection Corps”.²⁹⁸ But Predrag Simic, special foreign policy adviser to President Kostunica, argues that paramilitary units of the formally disbanded KLA remain the ‘dominant factor’ in Kosovo as well as among ethnic Albanians in southern Serbia and Macedonia.²⁹⁹

Reintegration of the ‘bridge watchers’ in Mitrovica

A crucial element in the power struggle is the little known ‘bridge watchers’ of Mitrovica: a paramilitary group that emerged from the NATO bombing campaign with a strong reputation among local Serbs for defending Serbian territory and honour. We understand that preliminary negotiations by the OSCE to turn the bridge watchers into the equivalent of ‘a neighbourhood watch’ team collapsed. However, it is clear that the reintegration of this group will be a vital part of any political settlement in Kosovo. The bottom line for the Serbian community – moderates as well as hard-liners – is to achieve freedom of movement, the return of refugees and basic security. Finding a way of reintegrating the ‘bridge watchers’ into civil society, possibly with a formal policing role within the Serb enclaves, is a difficult challenge (and one that may not be possible to address outside a formal settlement of the constitutional status of Kosovo).

The expert group recommend that further research should be undertaken on the situation in the Serb enclaves, and in particular on the opportunities for engaging the ‘bridge watchers’ in dialogue on their own future and that of the province as a whole.

Planning to create norms of non-possession

Government agencies and civil society groups in both Serbia and Kosovo have a crucial role to play in raising community awareness of the impact and dangers of SALW, and to reverse the cultures of violence that have developed in parts of the region. Collaborative projects are required to advance such initiatives. Such projects should be seen as integral to programmes to improve governance and to enhance the capacity of the police and judiciary to assure the security of their citizens (and to enhance the confidence of all citizens in such services). Some local and national public education and awareness programmes to enhance public involvement and support for efforts to tackle small arms proliferation have been started in both Serbia and Kosovo,

²⁹⁷ Ibid.

²⁹⁸ ‘KFOR achievements’, www.kforonline.com/resources/achievements.htm.

²⁹⁹ Op cit Simic p 3.

but more work is needed to challenge and reverse gun cultures.

Serbia

The Yugoslav Red Cross has developed a project to raise awareness of the dangers of SALW diffusion, which is targeted at young people. They estimate that one in ten Serbian youths own a gun. The Yugoslav Red Cross campaign is expected to cost approximately DM 110,000, some of which will come from internal funds and some from the Norwegian Red Cross. In order to stay within the terms of the International Red Cross mandate, the main focus of the campaign will be the humanitarian consequences of SALW diffusion.

The Yugoslav Red Cross has five dissemination centres in Serbia and many local branches throughout the country. Some ethnic Albanians are members in southern Serbia (although it was acknowledged by staff that more needed to be done to increase membership among minorities). The Yugoslav Red Cross is also represented in Mitrovica and other Serb enclaves in Kosovo, and has attempted to initiate dialogue on humanitarian issues with the Albanian Red Cross in Kosovo, but without success.

The expert group warmly welcome the work of the Yugoslav Red Cross and is committed to exploring how it might support their work in the future.

Kosovo

According to discussions with the UNDP representative in Pristina, although improved from the immediate post-conflict phase, general insecurity still pervades Kosovo due to: large-scale possession of SALW, prominent organised criminal activities, enduring ethnic and political conflict, casual social violence and a prevailing weak rule of law. Weapons and social violence were said to present significant obstacles to peace-building in Kosovo. Most international peace-building in Kosovo focuses on security, law enforcement and reconstruction perspectives, rather than social, economic and development perspectives of human insecurity in the province.

The expert group agree with the UNDP assessment that more investment is needed in the social spaces and discourses of peace, tolerance and non-violent conflict resolution in Kosovo.

Although the UNDP began its operations in Kosovo with significant economic, infrastructure and governance programmes, it is now refocusing on a Local Governance Programme and Youth Post-Conflict Participation Project (YPCPP) in Pristina (youth is defined as 15–24 years old). The YPCPP is expected to establish the first cross-Kosovo and cross-community youth network in Kosovo with a potential representation of 20,000 young people. As part of the YPCPP, the network will be expected to actively address young peoples' security priorities through the Support to Human Security in Kosovo (SHSK) initiative.

Given that under-25s represent 60 percent of the population in Kosovo, and given the increasing problem of urban gun violence among youth groups, this is clearly an area in which much work needs to be done. (The UNDP also considered but ultimately rejected a Gramshi-like weapons-for-development project for Pristina). Although the SHSK process was still being defined during our visit, it will have a development rather than security focus, and is expected to include the following elements:

- targeted SALW and violence initiatives and workshops;
- youth grants for peace-building and direct action projects confronting SALW and violence; and
- a communication and public awareness-raising campaign on the detrimental impact of SALW and violence on society.

A youth survey was in the draft stage during our visit, and will be the first step in trying to open up a wider dialogue with the ethnic Albanian community on this issue. A key aim of this first survey is to find out why young men in Pristina are arming themselves. The findings are due to be discussed at a UNDP Conference on Human Security in Kosovo on 4–5 April 2002. The UNDP also aims to establish Human Security and Development Working Groups composed of journalists, women's groups, youth groups, student unions and demobilised combatant groups. Ultimately, the UNDP YPCPP will be used to empower mobilised youth groups to take direct action on SALW and violence in Kosovo.

We also found at least one community-based initiative already taking place in Pristina. An ethnic Albanian youth NGO, called FORUM, is working on community awareness-raising in the areas of ethnic violence, human rights and democracy. Using a red hand as a symbol, the group has campaigned for an end to ethnic violence, using the slogan 'that's enough'. We were told that this group (which the expert group did not meet) is dominated by 'good kids' from the high school. Although this is unsurprising, it means that the probable concerns that give rise to gun possession in urban youth – crime, social status, the fragmented social structure in Pristina etc – lie outside their immediate experience. This is not to devalue their efforts, particularly as the same criticism could be levelled at the expert group. Another limitation is the absence (as far as we are aware) of Serbian youths within the group, although we were told that ethnically mixed youth groups are working together in other parts of Kosovo, most notably in Prizren.

Although this is not part of the current UNDP programme, the expert group consider that NGO capacity-building in this area should be a priority, with a particular emphasis on broadening the social make-up of this fledgling gun control community in Kosovo.

This will not be easy. There is little general sense of 'community' or evidence of 'civil society' in Kosovo. Despite over 500 or so international NGOs operating in the province, there is very little local involvement and participation and very little encouragement from local political leaders to become involved. In addition, the old clan structures appear to be breaking down and seem to be replaced by either the private (or family) sphere or the government (or UNMIK) sphere.

We consider that any future campaign on urban youth and gun violence would benefit from the high profile endorsement and participation of the three main ethnic Albanian political leaders and UNMIK. Greater investment in youth projects and employment opportunities for young people should also be a priority.

Tackling the small arms and light weapons problem: conclusions and recommendations of the expert group

Security environment

Federal Republic of Yugoslavia

The positive developments in southern Serbia are the result of the political will to secure a negotiated settlement shown by all sides. They offer a positive roadmap to further peace-building in the area and in the region as a whole. Particularly significant has been the co-operation between KFOR and the VJ. However, continued vigilance and further peace-building measures will be required to prevent the outbreak of further fighting.

The expert group recommend that confidence-building measures, especially the development and implementation of long-term social and economic projects, are accelerated by both Serbia and the international community.

It was difficult in the time available for the expert group to investigate the extent to which the relationship between the new government in Belgrade and the authorities in Republika Srpska is changing. Contact between the two has an impact on domestic politics and decision-making in both capitals.

The expert group recommend that:

- this crucial issue deserves further analysis by the international governmental and non-governmental communities; and
- the role of the VJ in the Republika Srpska should be addressed within the ongoing process of security sector reform in the FRY.

Kosovo

The international community continues to struggle to establish law and order in the province but has nonetheless made commendable progress. However, despite ongoing weapons collection programmes and the formal demilitarisation of the main KLA, SALW appear to remain widely available. It is also widely reported that Kosovo acts as a supply base and transit point for ethnic Albanian guerrilla fighters in the region.

Within the Serbian community in Kosovo, there is a huge power struggle to see who will become the ‘top man’ for future negotiations with Belgrade. The outcome of this is unclear, but no one of vision or ‘high principle’ is emerging at present.

The expert group recommend the development of a Kosovo-wide Serb advisory group is further explored by the international community in co-operation with Serb politicians of the Kosovo Assembly.

The unresolved status of Kosovo is likely to continue to drive a wedge between the two main communities in Kosovo. Until Kosovo Albanians and Serbs are assured that they will be granted either a level of independence or conditions for return that they find acceptable, it seems unlikely that they will co-operate fully in any SALW collection and destruction programme.

Gun culture

There are a number of reasons for believing that the extent and scope of a gun culture among ethnic Albanians in Kosovo may be exaggerated, and where it does exist, is unlikely to be the main destabilising factor. First, in the absence of proper evidence, it is wrong to assume that the gun culture that is said to dominate large sections of Albanian society will also apply in exactly the same way to ethnic Albanians living in Kosovo. Second, the ethnic Albanian community in Kosovo is itself not a homogeneous entity. Third, the ethnic Albanians we discussed this issue with also challenged the perception of a dominant gun culture within all parts of their community. Fourth, we argue that the traditional gun culture is only one of three reasons why civilians possess weapons in Kosovo. Another reason is the growing problem of weapons possession among urban youths either as part of gangland or criminal activity. Probably the most important reason, however, is that weapons are being held by civilians and more formally (in terms of weapon caches) by former KLA activists for reasons of personal and collective security. Ultimately, there is insufficient trust among the ethnic Albanian community, both in the existing law enforcement provisions within Kosovo and in the longer-term political settlement with Serbia.

These same or similar factors could be said to apply to other conflicts in the last decade involving different ethnic groups. Nevertheless the question of a gun culture among the ethnic Albanian population of Kosovo is more complicated than usually portrayed by the international community and media, and by parts of the Serbian community and media. There seems to have been very little, if any, systematic research undertaken on this issue. This has meant that local, regional and international opinion has largely been shaped by anecdote and rumour.

The expert group recommend that research be undertaken on this important issue and individual members of the expert group have agreed to explore the possibility of undertaking or commissioning such research in the near future.

Illegal small arms and light weapons diffusion in Kosovo

We consider that it is important to distinguish between three broad categories of illegal SALW diffusion in Kosovo:

- Weapons associated with a traditional gun culture – the ‘family gun’, often an elderly bolt-action rifle dating from the Second World War and largely used for ceremonial

occasions (eg births and weddings) and possibly hunting, and particularly prevalent among rural communities.

- Weapons associated with more recent criminal activity, particularly among urban youths – a mixture of old and new firearms, with limited but seemingly growing numbers of automatic military-style weapons which have become available as a result of the conflict in the province.
- Weapons associated with the political conflict – again, a mixture of old and new firearms and military weapons in arms caches belonging to the KLA and nationalist groups in the Serb enclaves, but with larger quantities and more light weapons.

While there are likely to be a few weapons that occasionally move between all three categories, it seems likely that by and large each category has its own distinct modus operandi and will require separate solutions to the diffusion problem. The ‘gun culture weapons’ are the least problematic especially in the short term, and it is in respect of the other two categories where the international community should focus its attention.

Control of legal transfers of small arms and light weapons

A strong national export control regime is a crucial ingredient in controlling legal transfers of SALW and preventing diversion to illegal use and many developments in export controls have taken place in the last decade or so.

The expert group recommend that the federal government:

- review its export control policies with the aims of strengthening national controls, harmonising such controls with those of other countries in the region around ‘best practice’;
- consider establishing an independent export control agency;
- begin to share information with other governments in the region on:
 - relevant national legislation and practice, and
 - national procedures for the control of the manufacture, export and import of SALW;
- align itself with the principles of the EU Code of Conduct on Arms Exports; and
- develop other innovative proposals where appropriate and take a leadership role on this issue in the region.

Controlling the use and storage of small arms and light weapons

There appears to be no publicly available data on arrangements for stockpile management in Serbia, Kosovo or Montenegro. However, experience suggests that one of the major sources of illicit SALW is the existing official stockpiles. Thefts, losses, corrupt or unauthorised sale of weapons from military or police stocks are a problem in all states and FRY is unlikely to be an exception to this general rule.

The expert group recommend that the federal government:

- establish a programme to review and improve national procedures for stockpile management and security, including information exchange and identification and dissemination of good practice and joint training programmes; and
- review current systems for marking and tracing SALW with the aim of developing national initiatives to accelerate implementation of marking, record-keeping and tracing commitments within the UN ‘Firearms Protocol’ and OSCE Small Arms Document.

Control of the civilian possession and use of small arms and light weapons

Controlling civilian possession of weapons is a critical element of an integrated approach to small arms control. Many countries that are newly emerging from conflict have outdated civilian possession laws, if they have any at all. This is not the case in Serbia, which appears to have effective and comprehensive possession legislation. In Kosovo, however, where controlling civilian possession of weapons will be crucial, it remains to be seen whether the new civilian possession laws introduced by UNMIK will be adequate.

The expert group recommend that the UNMIK Regulation 2001/7 on the Authorisation of Possession of Weapons in Kosovo be reviewed after 18 months of operation (ie in August 2002), with a view to strengthening the regulation where appropriate and/or replacing it with more comprehensive legislation.

Combating illicit arms trafficking

Both the Serbian police and customs have a special agency for combating weapons and other types of smuggling, and a range of other agencies have a crucial role to play in enforcing regulations to combat illicit trafficking in small arms, including intelligence agencies, border guards, the judiciary and the military.

The expert group recommend that the federal government:

- strengthen the investigative capabilities of these agencies;
- improve inter-agency co-ordination; and
- establish regular national reviews of the capacity of each of the national agencies involved to ensure that they can fulfil their tasks.

The endorsement of the Stability Pact's Regional Implementation Plan, and the subsequent establishment of a Regional Clearinghouse for SALW Reduction in Belgrade, together with the establishment of a Regional Steering Group consisting of 'national focal points' are welcome developments.

The expert group recommend that the federal government actively co-operate with the Clearinghouse and promotes the collaboration of national focal points.

Kosovo

The expert group recommend that KFOR continue to prioritise the interception of illicit arms in Kosovo, and especially weapons crossing into northern Macedonia and southern Serbia.

Collection and removal of surplus weapons

Federal Republic of Yugoslavia

The announcement of a SALW destruction programme by Yugoslav authorities on 9 July 2001 and the subsequent agreement with the USA to finance the destruction of over 50,000 SALW by the end of 2001, are welcome developments.

The expert group recommend that the federal government:

- develop guidelines and minimum standards to ensure responsible disposal of future surplus weapons and ammunition;
- promote international destruction standards and programmes; and
- seek a regional agreement to ensure that transfers of surplus weapons are subject to at least as rigorous controls as new weapons.

In order to assist the FRY to carry out future collection and destruction of surplus weapons, the expert group recommend that the international community give urgent consideration to the following three proposals:

- initiate an additional weapons-for-development programme in southern Serbia to be implemented in partnership with the FRY Government and local communities;
- help establish a permanent commercial weapons destruction facility at Cacak in Serbia; and
- develop, in collaboration with the appropriate government bodies, further public education and awareness-raising campaigns (based on similar initiatives within the Gramshi project in Albania and the Yugoslav Red Cross in Serbia).

Kosovo

The decision not to collect all the weapons from the KLA during its demobilisation can, with the benefit of hindsight, be seen as a mistake. The international community should have also insisted on a full inventory of the KLA's arsenal at that time.

The 12,000 weapons collected from the KLA are currently stored in containers.

The expert group recommend that an agreement to destroy these weapons be negotiated with the successors of the KLA at the earliest opportunity.

A joint venture established by British army engineers and local Kosovars to convert a factory for the purpose of smelting and crushing illicit weapons seized by KFOR is no longer operational and requires refurbishment.

The expert group recommend that the international community urgently consider the provision of financial support to enable this facility to re-open.

A gun amnesty programme initiated by UNMIK has had mixed results.

The expert group recommend that the UNMIK, the UNDP and other international donors urgently consider the development of a weapons-for-development programme in Kosovo.

Transparency and accountability

There is wide scope to increase transparency on the production, storage and transfer of SALW. Greater transparency is not only in the interest of democratic accountability, but would also help develop wider regional transparency arrangements and encourage confidence-building in the region.

The expert group recommend that the federal government:

- develop more effective transparency and oversight mechanisms (such as annual reporting on arms transfers and improved parliamentary scrutiny); and
- accelerate planned police reforms, including amendment where necessary of current legislation to enhance internal control and tackle corruption.

Kosovo

The expert group gained the strong impression that the various organisations and agencies that make up the international community tend to follow their own individual mandates, with very little attempt at co-ordination and sharing information at an official level. There also seemed to be insufficient use of local capacities and research skills in designing and implementing projects in the province.

The expert group recommend that any future arms control initiatives within the province utilise local researchers as appropriate.

Reform of the security sector

It is important to promote efforts to provide citizens and communities with a secure and just environment. Promotion of appropriate development and reform of the security sector, and particularly the police, needs to be encouraged. In both Serbia and

Kosovo relations between the police and civil society are key to the evolving security dynamic. Although police reform has been initiated in both Kosovo and Serbia, more needs to be done to develop the capacity of multi-ethnic community policing. Levels of trust in the police need to be improved so that individuals within all communities (but especially ethnic Albanians in southern Serbia and ethnic Serbs in Kosovo) feel confident to report armed crime and share information on the illicit trade of small arms. The work of the OSCE in helping to establish democratic control and oversight of police forces in Serbia and Kosovo (as part of a wider programme of democratic institution building) will be crucial in addressing the links between tackling small arms diffusion and police reform.

The expert group recommend that the federal government:

- urgently takes a political decision to accelerate preparations to meet conditions of membership in NATO's PfP co-operation;
- seek the possibility of joining some of NATO's outreach and training programmes (especially in relation to SALW) prior to accession; and
- explore how the role of NGOs in developing non-violent responses to emerging conflict situations and in bridge-building with police, military and paramilitary organisations might be enhanced.

Kosovo

The evidence of our visit suggests that the formation of the KPS is a relative success, particularly given the extremely difficult circumstances in which it has been brought about. At the moment key weaknesses are insufficient training and the lack of a serious criminal investigation capacity. The absence of direct contacts between the KPS and the federal and Serbian police does not promote effective combating of criminals.

Demobilisation and reintegration of former combatants

Federal Republic of Yugoslavia

A significant proportion of former soldiers joined private security companies. Numerous connections between unemployed ex-soldiers and organised crime are becoming apparent. However, the expert group were not made aware of any demobilisation and reintegration programmes either planned or being undertaken within Serbia.

The expert group recommend that the federal government develop (with appropriate assistance from the international community) demobilisation strategies in the following three areas:

- demobilisation and reintegration of personnel within the regular armed forces;
- demobilisation and reintegration of Serbian paramilitary groups, including those that were expelled from Kosovo and those operating within Republika Srpska; and
- demobilisation and reintegration of ethnic Albanian paramilitaries in the Presevo Valley in southern Serbia.

The expert group recommend that the Stability Pact consider:

- co-ordinating the necessary financial support for such programmes; and
- the allocation of long-term funding to promote economic development in local communities most seriously affected by demobilisation programmes.

As a possible transitional solution, private security firms/companies in Serbia could be allowed to absorb some of the former combatants and act as 'supplement' to public policing. This, however, would require a well-defined legislative framework to assure their accountability to the public.

Kosovo

The extent of the actual demobilisation of the KLA is contested, and the expert group failed to reach a conclusion on this issue. However, we consider that the future reintegration of the 'bridge watchers' in Mitrovica will be a vital part of any political settlement in Kosovo. Finding a way of reintegrating the 'bridge watchers' into civil society, possibly with a formal policing role within the Serb enclaves, is a difficult challenge (and one that may not be possible to address outside of a formal settlement of the future constitutional status of Kosovo).

The expert group recommend that the research on the general situation in the Serb enclaves continue, with special emphasis on the opportunities for engaging the 'bridge watchers' in a dialogue on their own future and that of the province as a whole.

Creating norms of non-possession

Government agencies and civil society groups in both Serbia and Kosovo have a crucial role to play in raising community awareness of the impact and dangers of SALW, and to reverse the 'cultures of violence' that have developed in parts of the region. Collaborative projects are required to advance such initiatives. Such projects should be seen as integral to programmes to improve governance and to enhance the capacity of the police and judiciary to assure the security of their citizens (and to enhance the confidence of all citizens in such services).

The expert group warmly welcomed the work of the Yugoslav Red Cross in raising awareness of the dangers of SALW diffusion in Serbia and is committed to exploring further how it might support their work in the future.

Kosovo

The expert group agree with the UNDP's assessment that more investment is needed in the social spaces and discourses of peace, tolerance and non-violent conflict resolution. We also warmly welcome the UNDP's investment in such means and ends.

The expert group recommend that

- the international community place special emphasis on NGO capacity-building in this area, with a view to broadening the social make-up of the fledgling gun control community in Kosovo;
- any future campaign on urban youth and gun violence would benefit from the high profile endorsement and participation of the three main ethnic Albanian political leaders and UNMIK; and
- greater investment in youth projects and employment opportunities for young people be a primary goal when drawing up plans for economic development.

Appendices

Appendix 1

Biographies of the members of the expert group

Members of the expert group

Ian Davis, Saferworld, UK

Constantine Dudu Ionescu, EURISC Foundation, Romania

Judit Kiss, Independent Expert/Small Arms Survey, Switzerland

Judit Körömi, Saferworld, UK

Liviu Muresan, EURISC Foundation, Romania

Wolf-Christian Paes, Bonn International Center for Conversion, Germany

Bozo Prelevic, League of Experts, Serbia

László Tóth, Szeged Centre for Security Policy, Hungary

Ian Davis

Ian Davis joined the British American Security Information Council as director in October 2001, and was previously joint manager of Saferworld's Arms and Security Programme, focusing on SALW issues in Eastern Europe, including the Caucasus and the Balkans. He has carried out small arms fieldwork and research, and published extensively on arms exports and arms export licensing systems in the EU and beyond. His most recent report for Saferworld, written and published in collaboration with the Oxford Research Group, is *The Subsidy Trap: British Government Financial Support for Arms Exports and the Defence Industry*. He holds a PhD in Peace Studies from the University of Bradford. His doctoral thesis on 'The Regulation of Arms and Dual-Use Exports by EU Member States: A Comparative Analysis of Germany, Sweden and the UK' will be published by SIPRI/OUP in the summer 2002.

Constantin Dudu Ionescu

Constantin is Chairman of the Atlantic Dialogue Initiative Foundation and Project Director within the European Institute for Risk, Security and Communication Management (EURISC) Foundation, Romania. He was previously Minister of Interior (1999–2000), Minister and State Secretary of Defence (1996–1998) and Member of the Romanian Parliament (1992–2000). He regularly contributes to international conferences and seminars on SALW issues. He graduated from the Aerospace Faculty, Polytechnic University, Romania (1982), studied Management at the Open University, UK (1993) and completed two graduate courses in defence studies at the Romanian National Defence College (1994) and the Defence Resources Management Institute, Department of Defence, Monterey, California, USA (1995).

Judit Kiss

Judit Kiss is a Hungarian development economist. She graduated and later received her MA and PhD from Budapest University of Economics. She has worked in Hungary, Mexico and Great Britain on economic development. Over the last decade she has been focusing on the social-economic transformation of Central and Eastern Europe, with special emphasis on the defence industry. She has published a book and contributed to several others, and has written major studies and articles on these topics. At present she is based in Geneva, Switzerland and works with the Small Arms Survey, among others.

Judit Körömi

Judit Körömi is a project co-ordinator for South Eastern Europe at Saferworld. She is a Hungarian national and worked for the Foreign Ministry of Hungary for ten years, during which time she rose to the rank of Second Secretary. She has served in the Hungarian embassy in Prague and at the Hungarian Mission to NATO in Brussels. She has a diploma in security policy from the Geneva Centre for Security Policy and has attended various NATO courses on security policy.

Liviu Muresan

Liviu Muresan is the Executive President of the EURISC Foundation and a Member of the Advisory Group of the Eminent Persons Group. He was a Member of the Romanian Parliament (1990–1992), leader of the majority (1990–1991) and Deputy Director of the Romanian National Defence College (1993–1994). In his previous role as senior adviser to the Romanian Government (Prime Minister and Minister of Interior) he was the High Representative of the Romanian Government for the Stability Pact's Combating Organised Crime Initiative, for the Anti-Corruption Initiative for 2000–2001 and also served as Project Director of the Regional Centre for Combating Trans-border Organised Crime – the SECI Centre (1999–2001). Since 1993 Liviu has published over 250 articles and taught courses on risk, security, international relations, European and Euro-Atlantic integration and public relations. He regularly acts as keynote speaker, chair or panellist at conferences on SALW issues.

Wolf-Christian Paes

Wolf-Christian Paes works at the Bonn International Center for Conversion as a senior researcher and project manager. Before joining the Bonn Center, he served in the German Airforce from 1993 to 1995 in Cologne and Washington DC and worked as a project assistant for the Friedrich Naumann Foundation in South Africa. He holds masters degrees in International Affairs (University of Stellenbosch) and Public Administration (University of Speyer). His work in Bonn focuses on small arms affairs, demobilisation and economic causes of armed conflict.

Bozo Prelevic

Bozo Prelevic is a former Minister of Interior of the Republic of Serbia and is currently special advisor on international co-operation and police reform to the Minister of Interior of Serbia. He holds a law degree and is a qualified judge, having worked in the Belgrade and Vucitrn (Kosovo) Municipal Courts between 1989 and 1997 and having passed the Supreme Court judge's examination in 1991. He was a founding member of the Independent Judges' Association, which was dissolved by the Republic of Serbia Parliament in 1999 and initiated the first criminal charge against President Milosevic (in October 2000). He was also a member of the Co-ordination Body of the Federal and Republic Government for southern Serbia and initiated the establishment of multiethnic police forces in this region. He has been involved with a wide array of social projects and conferences and has published in several journals on issues relating to the role and functioning of the judiciary. His most recent publication is *Extremism* (Belgrade, 2000) about the Ground Safety Zone. He is currently the executive director of the NGO, League of Experts (LEX), head of his own lawyer's office and co-ordinator of a project on the reform of the National Intelligence Agency legislation.

László Tóth

László Tóth is Chairman of the Szeged Centre for Security Policy, Hungary. He is a Hungarian national with 25 years of army service behind him, during which time he rose to the rank of chief of staff before joining the Arms Control and Verification Agency at the Ministry of Defence. He has also served as a CFE inspector, in UN and OSCE missions, as a military adviser in Sarajevo as part of the Vienna Agreement and in Mostar as chief officer for regional stabilisation.

Appendix 2

Itinerary of expert group visit to Serbia and Kosovo

Meetings during the expert group visit (14 to 18 May 2001)

14 May, Pristina, Kosovo

Paul Turner, Head of Office, UK Department for International Development
Bob Churcher, Director, ICG
Rob Curtis, ICG
Ole A Lindeman, Special Political Adviser to Commander, KFOR
James Le Mesurier, Advisory Unit on Security and Justice, UNMIK

15 May, Pristina, Kosovo

Caroline McCall, Director of Democratisation Department, OSCE
Bernhard Knoll, Political Officer, Office of the Chef de Cabinet, OSCE
Neil Olsen, Programme Representative, Oxfam
Naim Osmani, National Legal Adviser, Kosovo Law Centre (KLC)
Marlene Baierl, International Legal Adviser, KLC
Patrick Lach Fergusson, Programme Specialist, UNDP
Carl Jenkins, ICRS Programme Manager, International Organisation for Migration (IOM)
Monica Goracci, Programme Development Officer, IOM

16 May, Presevo Valley, Serbia

Commander of VJ in Bujanovac
Chief of the Police, Oravica

17 May, outside Belgrade

Col Dragoljub Bogunovic, Ministry of Defence
Svetlana Tisma, Ministry of Interior (interpreter)
Dorde Nestorovic, General Director, Zastava Arms, Kragujevac,
Dobroslav Andric, General Manager, Prvi Partizan, Uzice,
Zoran Radovic, Director of Marketing, Prvi Partizan, Uzice

17 May, Belgrade

Bozo Prelevic, Special Adviser, Ministry of Interior, Republic of Serbia
Major Sinisa Corbic, Ministry of Internal Affairs
Lt-Col Miodrag Ignjatovic, Ministry of Interior
Predrag Simic, Foreign Policy Adviser to the President

18 May, Belgrade

Nenad Miloradovic, Director, Jugoimport SDPR
Ilija Talovic, Jugoimport SDPR
Jovan Ruml, Jugoimport SDPR
Col Zoran Boskovic, Senior Counsellor in the Office of the Minister, Ministry of Defence
Miodrag Starcevic, Senior Adviser, Yugoslav Red Cross
Sasa Avram, International Relations Officer, Yugoslav Red Cross
Bruce Connuck, Deputy Head of Mission, OSCE
Vladimir Bilandzic, Special Advisor on Conflict and Security Building Measures, OSCE
Negoslav P Ostojic, Executive Director, European Centre for Peace and Development (ECPD)
Miodrag Ivanovic, Associate Professor, ECPD
Vera Otenhajmer, ECPD

Appendix 3

Co-chairs summary from the roundtable meeting in Belgrade Roundtable

Tackling small arms diffusion as a conflict prevention strategy in the southern Balkans City Hall, Belgrade (31 May to 1 June 2001)

Co-chairs summary

Dr Ian Davis, Programme Manager, Saferworld; Mr Bozo Prelevic, League of Experts; Dr Miodrag Starcevic, Yugoslav Red Cross.

Introduction

On 31 May to 1 June 2001 over 50 representatives and experts from governments (in Bosnia-Herzegovina, Bulgaria, Canada, Hungary, the Former Yugoslav Republic of Macedonia, Romania, the UK and the FRY), international organisations (UNDP, IOM (UN), OSCE, NATO/SHAPE, Sweden (EU presidency), the Office of the Special co-ordinator of the Stability Pact) and civil society (from Germany, Hungary, Romania, the Russian Federation, the UK and the FRY) attended a roundtable meeting on tackling small arms diffusion as a conflict prevention strategy in the southern Balkans. For the purpose of this meeting, the 'southern Balkans' refers to the sub-regional grouping of three states: Albania, the Former Yugoslav Republic of Macedonia and the FRY (including Kosovo). The roundtable was organised by Saferworld (London) and the League of Experts (Belgrade) and co-hosted by the Serbian Ministry of Interior and the Yugoslav Red Cross.

This document is an agreed co-chairs summary of the main conclusions to be drawn from the discussions and presentations.

Summary of presentations and discussions

The opening statements were made by Mr Bozo Prelevic, on behalf of the Serbian Ministry of Interior; Dr Ian Davis, Saferworld, Dr Budimir Babovic, League of Experts and Dr Miodrag Starcevic, Yugoslav Red Cross, highlighting the relevance of the issues on the agenda for security in the southern Balkans. Ms Marianne Berecz, Hungarian Ministry of Foreign Affairs, also made some opening remarks on the opportunities for improving existing structures and projects with the Stability Pact. (Hungary assumed co-chairmanship of Working Table III in the Stability Pact in July 2001.)

Participants warmly welcomed the positive developments in southern Serbia which include: the agreement on the demilitarisation of the villages of Luchane and Turija; the agreement providing for the disarming and disbanding of the UCPMB in Sector B of the GSZ, signed under NATO auspices; the setting up of a multi-ethnic police training course with the assistance of the OSCE; and the agreement on a phased re-entry of Yugoslav security forces into Sector B of the GSZ, which has been implemented without serious incidents. The political will shown by all sides in securing a negotiated settlement to the difficult disputed issues in southern Serbia offers a positive roadmap to further negotiations in southern Serbia and in the region as a whole.

The roundtable focussed on four themes:

- the nature and scope of the problem of small arms diffusion in southern Serbia;
- how to increase the effectiveness of national policies to prevent and combat illicit arms trafficking;
- removing weapons from society; and
- the opportunities arising from regional and global SALW initiatives.

Government representatives from Albania, Macedonia and the FRY made presentations on national experiences of SALW diffusion, including the nature of the problem, actors involved in illicit trafficking and the sources, routes and end-users of arms. They also outlined recent national initiatives to address these problems. Representatives from the OSCE, NATO, the Stability Pact, UNDP and South East European Regional Centre for Combating Trans-border Crime gave an overview of their organisations' respective roles in relation to combating small arms diffusion in the southern Balkans. This included combating illicit arms trafficking, border management, facilitating information exchange between governments, weapons collection and destruction as well as police training and reform.

Ian Davis, Liviu Muresan (EURISC Foundation) and Wolf-Christian Paes (BICC) gave preliminary findings from an NGO expert group visit to Kosovo and Serbia in May 2001. It was announced that a draft of the expert group report would be circulated in confidence to all participants at the roundtable for comment in the near future.

Representatives from the Centre for Civil-Military Relations, the European Centre for Peace and Development and Yugoslav Red Cross outlined how their respective organisations were working to raise awareness of SALW diffusion (or were working on related post-conflict reconstruction programmes) in Serbia.

Problems and challenges

In attempting to identify the nature and extent of the problem of SALW proliferation in the southern Balkans and the effectiveness of existing responses, there was general recognition by the participants that:

- Extreme political options and ways of seeking to change borders are accelerating these processes;
- The uncontrolled proliferation and illicit trafficking of small arms is fuelling crime, threatening peace, exacerbating conflict and undermining development in the southern Balkans;
- Implementation of the principle of unchanged borders, economic and social development; the rule of law and democratic governance are essential for long-term solutions to small arms problems;
- Efforts are required to counter cultural acceptance of violence and illicit gun use;
- Although the wide availability and diffusion of small arms is a concern throughout the region the problems are particularly acute in southern Serbia, northern Macedonia and Kosovo;
- UNMIK and NATO (the latter with 46,000 soldiers) have been unable to disarm extremist groups in Kosovo;
- Political resolution of outstanding conflicts in southern Serbia, northern Macedonia and Kosovo is crucial, but not necessarily a prerequisite for small arms initiatives in these areas or in the southern Balkans as a whole (and such initiatives should be pursued in tandem with conflict resolution and conflict prevention measures);
- Expansion of the illicit trade in the southern Balkans occurred after 700,000 pieces of weapons were stolen from military stockpiles in Albania in 1997. Although some of this weaponry has subsequently been recovered, much of it was transferred to Kosovo, Serbia and Macedonia through illegal channels. In addition, extremists in Southern Serbia and Macedonia have obtained and been using Ambrust, Stinger Rockets, land mines, recoilless guns and other modern weapons;
- Other governments in the region also need to be engaged in the search for solutions, together with the relevant organisations and institutions of the international community;
- Civil society is deeply affected by the problems associated with small arms and efforts to tackle these problems should involve close co-operation with civil society and NGOs;
- Ownership and the drive for solutions should come from actors in the region, although outside actors (both governmental and non-governmental) have an important role to play in facilitating and supporting local initiatives;
- More transparency is needed on the legal trade and production of small arms in the region; and
- Better co-ordination of efforts is needed at all levels including among and between international donors, governments and their agencies and NGOs in the region.

There was strong consensus on the need to focus on regional co-operation. It was also recognised that the 'UN Conference on the Illicit Trade in Small Arms and Light Weapons' in July 2001 offers an important opportunity to develop an international programme of action, which could help address the serious challenges posed by the proliferation and misuse of small arms in the southern Balkans. Key areas that were identified as being important to participants are the human security dimension, strengthening of national controls, enhanced co-operation and information sharing between states, enhanced stockpile management and improved procedures and international assistance for collection and destruction of surplus weapons.

Proposals

A large number of proposals and ideas for addressing the problem of small arms diffusion in the region were discussed over the two days. Many of these proposals were highlighted in the earlier Szeged Conclusions (November 2000) and their repetition here indicates a growing measure of consensus around key normative standards and policy responses. The proposals listed below are those that, in the view of the co-chairs, seemed to carry substantial support among participants or offered the most realistic opportunity for implementation. They can be grouped under four headings:

Proposals for strengthening legal controls on the accumulation and transfer of small arms:

- strengthen national import and export controls and attempt to harmonise around 'best practice' (eg by undertaking regional training for government officials involved in the issuing and enforcement of export licences);
- ensure adequate stockpile management (of weapons held by national police, paramilitary and military forces, and foreign peacekeepers and military bases) and develop accurate inventories of state-held small arms;
- enhance transparency and parliamentary scrutiny of the legal trade and production of small arms;
- in accordance with the OSCE Document on Small Arms, develop mechanisms for regular information exchange between governments on matters such as arms transfer and production regulations, lists of authorised manufacturers and dealers; and
- ensure adequate regulation and control of civilian possession, ownership, sale and use of small arms. Consider using OSCE and other international donor assistance to develop harmonised regulations around 'best practice'.

Proposals to enhance the operational capacity of governments to combat illicit arms trafficking:

- in accordance with the UN Firearms Protocol and OSCE Document on Small Arms, establish systems to ensure adequate marking and record keeping for all small arms and develop mechanisms for co-operation in tracing lines of supply of weapons of concern;
- undertake capacity-building programmes to enable border guards, customs, police and judiciary to detect and prosecute criminals engaged in illicit trafficking (eg by improving channels of communication between officials, by training programmes on a bilateral or multilateral basis and by sharing of electronic equipment and modern border monitoring technology);
- take appropriate measures to ensure adequate security of official and authorised stocks of small arms and ammunition;
- develop mechanisms for information exchange between governments to help prevent diversion of legal transfers to unauthorised destinations; and
- explore the possibility of enhancing both the OSCE's early warning capacity (especially in regard to the monitoring of borders), and the Stability Pact's integrated border management programme.

Promoting the removal of weapons from society and destruction of surplus and confiscated weapons:

- given the positive experience of the voluntary weapons-for-development collection programme and other wider collection programmes in Albania, urgently consider initiating additional weapons-for-development programmes in northern Macedonia, Kosovo and southern Serbia. To this end, the international community (especially the UNDP, the OSCE and EU Stability Pact) will need to act in partnership with governments and local communities;
- explore the possibility of supplementing the above approach with buy-back programmes (which would need to be combined with amnesties and the phased introduction of stricter punitive measures for illegal possession, as was the case with the successful model applied in Croatia);
- the commercial weapons destruction facility that was established in Kosovo (and has so far destroyed about 19,000 surplus and confiscated weapons) is no longer operational and requires refurbishment. The international community should urgently consider the provision of financial support to enable this facility to re-open. This might be made conditional on the facility accepting surplus and confiscated weapons from Serbia;
- consider establishing additional commercial weapons destruction facilities in Serbia and Macedonia;
- develop information exchange mechanisms between governments on confiscated, collected and destroyed small arms – consider making this information available to parliamentarians and the public as a confidence-building measure; and
- launch and develop further public education and awareness-raising campaigns (based on similar initiatives within the Gramshi project in Albania and the Yugoslav Red Cross in Serbia).

Proposals for reforming the security sector

- security sector reform is a vital prerequisite for the prevention of conflict and the promotion of sustainable development. Although police reform has been initiated in both Kosovo and Serbia, more needs to be done to develop the capacity of multi-ethnic community policing. Levels of trust in the police need to be improved so that individuals within all communities (but especially ethnic Albanians in southern Serbia and the Serbians in Kosovo) feel confident to report armed crime and share information on the illicit trade of small arms. The work of the OSCE in helping to establish democratic control and oversight of police forces in Serbia and Kosovo (as part of a wider programme of democratic institution-building) will be crucial in addressing the links between tackling small arms diffusion and police reform;
- with regard to military reform, armed forces in the region would benefit from joining the PfP, and while it is recognised that certain conditions will have to be met, all parties (both the governments concerned and NATO) should explore how to accelerate the membership process. In the meantime, all sides should consider whether some of NATO's outreach and training programmes (especially in relation to SALW) could be made available prior to accession/immediately; and
- explore how the role of NGOs in developing non-violent responses to emerging conflict situations and in bridge-building with police, military and paramilitary organisations might be enhanced.

A series of follow-up workshops within the framework of the Szeged Small Arms Process will be organised by Saferworld and partners, in close co-operation with the Stability Pact, in order to further elaborate opportunities for intensifying action in the above areas. A regional consultation document is being drafted by Saferworld and will be widely circulated to interested parties at the end of July 2001. The regional consultation document will be discussed at a seminar in Szeged on 14 to 15 September 2001.

Appendix 4 UNMIK Regulation No. 2001/7 on the authorisation of possession of weapons in Kosovo

UNMIK/REG/2001/7 21 February 2001

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, UNMIK Regulation No. 1999/8 of 20 September 1999 on the Establishment of the Kosovo Protection Corps and UNMIK Regulation No. 2000/33 of 25 May 2000 on Licensing of Security Service Providers in Kosovo and the Regulation of their Employees,

For the purpose of controlling the ownership, control, possession and use of weapons in order to enhance public peace, safety and order in Kosovo,

Hereby promulgates the following:

Section 1 Definitions

For the purposes of the present regulation:

- (a) 'authorised weapon' means a weapon for which a weapon authorisation card has been issued by UNMIK Police;
- (b) 'KFOR authorised weapon' means a weapon in the possession of a KPC member for which a weapon authorisation card has been issued by KFOR;
- (c) 'vulnerable person' means a person who is assessed by the Threat Assessment Committee as being subject to a risk or threat and therefore eligible for the issuance of a weapon authorisation card for the possession of a weapon in respect of himself or herself and or in respect of persons registered with UNMIK Police as his or her bodyguards;
- (d) 'bodyguard' means any person recognised by UNMIK Police as such for the protection of a vulnerable person;
- (e) 'the Threat Assessment Committee', hereinafter 'the TAC', is the committee established by the UNMIK Police Commissioner to review applications for weapon authorisation cards and carry out risk, threat and security assessments in relation to vulnerable persons;
- (f) 'weapon' means an instrument designed or used or usable for inflicting bodily harm. It shall include, but not be limited to, all forms of ammunition, crossbows, bows and arrows, pepper spray, CS gas, blank firing weapons, replica weapons, stun guns, tasers and all categories of weapons set out in Schedule A annexed to the present regulation or similar weapons;
- (g) 'weapon authorisation card', hereinafter 'WAC', means a non-transferable card that authorises the holder of the card to carry an authorised weapon at all times;
- (h) 'law enforcement authority' means the Civilian Police of the United Nations Interim Administration Mission in Kosovo, also known as the United Nations International Police or as UNMIK Police, and the international security presence in Kosovo, known as KFOR,³⁰⁰ and
- (i) 'the Kosovo Protection Corps', hereinafter 'the KPC', is the body established under UNMIK Regulation No. 1999/8.

Section 2 Authority of UNMIK Police

UNMIK Police, as the sole authority responsible for the authorisation of possession of weapons in Kosovo, shall be responsible for the issuance of WACs, except in respect of KFOR authorised weapons. The UNMIK Police Commissioner shall issue administrative instructions and standard operating procedures relating to the issuance of WACs, setting forth the terms and conditions that shall apply to such cards, including the procedure and requirements for application therefore.

Section 3 Issuance of Weapon Authorisation Cards

- 3.1 A person may only lawfully own, control, possess or use a weapon in respect of which a WAC has been issued to him or her.
- 3.2 A WAC shall only be issued to a vulnerable person exclusively for self-defence and/or to his or her duly registered and approved bodyguards exclusively for the protection of such vulnerable person against the threat or use of deadly force.
- 3.3 An application by a person for a WAC made on the basis that he or she is a vulnerable person shall be supported by evidence of vulnerability, including, but not limited to, such information as may be contained in police reports and security assessments. The application shall be reviewed by the TAC.

³⁰⁰ UNMIK Police and KFOR shall consult and coordinate as appropriate with regard to the implementation of respective duties and responsibilities under the present regulation.

- 3.4 The TAC shall assess the level of threat posed to the applicant and the level of security, if any, required by the person commensurate with the threat against him or her and shall make a recommendation to the UNMIK Police Commissioner for decision. A WAC shall be issued to a person who is assessed to be a vulnerable person and/or armed bodyguards for such vulnerable person as authorised by the UNMIK Police Commissioner, based on the recommendation of the TAC.
- 3.5 An application for a WAC for one or more bodyguards of a vulnerable person may only be processed after a positive assessment of vulnerability and level of protection required of the principal person concerned has been made by the TAC.
- 3.6 WACs shall be issued for sidearm pistols and, in exceptional circumstances WACs may be issued for short-barrelled automatic weapons if, in the particular case, the TAC assesses that there is a need for such weapons. The WAC shall contain a full description of the weapon, including name of manufacturer, model, serial number, as well as other identifying information.
- 3.7 Ammunition for use with a weapon covered by a WAC may be authorised exclusively by UNMIK Police. Such authorised ammunition shall be standard, full-jacketed, military type ball ammunition which shall not be altered in any way from its original factory configuration. No other type of ammunition, including semi-jacketed, flat-head, hollow-point or others may be authorised.
- 3.8 An authorised weapon shall be test-fired by UNMIK Police. The bullets and cartridge casings so fired shall be preserved by law enforcement authorities and identified with the weapon, for the purpose of any further ballistic, criminalistic or forensic testing.
- 3.9 The UNMIK Police Commissioner may establish fees to be paid in connection with the issuance of WACs, including for weapons testing and safety and security training.

Section 4 Background Checks

- 4.1 A WAC shall not be issued to any person who, in the opinion of the UNMIK Police Commissioner, is for any reason considered not suitable to hold a weapon.
- 4.2 Each applicant for a WAC and any bodyguard who is to receive a WAC shall be subject to an investigation conducted by UNMIK Police and KFOR into his or her suitability to be authorised to hold a weapon. A background check of the applicant shall include, but not be limited to, investigations of the following:
 - (a) Criminal history, including any criminal investigation, indictments or convictions;
 - (b) Record or history of violent behaviour (including domestic violence);
 - (c) Record of mental health problems affecting the applicant's suitability to hold a weapon;
 - (d) Police reports of call-outs involving disturbances caused by the applicant or other relevant complaints of disorderly conduct against the applicant; and
 - (e) Local Authority records concerning history of applicant's confrontation with police.

Section 5 Refusal, Suspension or Revocation of WACs

- 5.1 The UNMIK Police Commissioner may, in his or her sole discretion, refuse to issue a WAC to an applicant. No reason for refusal need be given to the applicant.
- 5.2 A WAC remains the property of UNMIK Police and may be suspended or revoked at any time should information become available which, in the opinion of the UNMIK Police Commissioner, affects the suitability of the holder to possess a weapon, or for any other reason.

Section 6 Validity of WACs

- 6.1 WACs shall remain valid, unless revoked, for the time, not exceeding one year, specified on the WAC, or if no time is specified, for one year from the date of issuance. The holder of a WAC may apply for a new WAC within the final month preceding the date of expiry of the previous one.
- 6.2 A person who is in possession of an authorised weapon shall carry the WAC at all times while carrying such weapon and shall display the WAC immediately on the demand of a law enforcement officer. If the person is unable or unwilling to display the WAC immediately upon demand the weapon shall be subject to seizure in accordance with section 7 below.
- 6.3 A person holding a valid WAC shall notify the UNMIK Police Main Headquarters immediately if there is any change in the ownership, possession or control of the authorised weapon, at which time the WAC shall be revoked.
- 6.4 If any person holding a valid WAC wishes to transfer ownership, possession or control of his or her authorised weapon to another person, he or she must first obtain the written permission of the UNMIK Police Commissioner. In the absence of such authorisation, the transfer shall be considered illegal and the person who transferred the weapon and the recipient of the weapon shall be subject to criminal prosecution under section 8 below.
- 6.5 A vulnerable person to whom a bodyguard holding a valid WAC was assigned shall immediately notify UNMIK police if such bodyguard has ceased to have that status. The WAC shall have no validity once a bodyguard ceases to have that status and the person concerned shall immediately surrender his or her WAC to UNMIK Police.

Section 7 Seizure of Weapons and/or Weapons Authorisation Cards

- 7.1 Law enforcement authorities may immediately seize any weapon and/or WAC upon the occurrence of any of the following events:
- (a) Where a person's WAC is suspended or revoked;
 - (b) Where a person is in possession of a weapon for which he or she cannot or is unwilling to display a WAC immediately on the demand of a member of a law enforcement authority;
 - (c) Where a person is using a weapon in a threatening, intimidating or otherwise unauthorised manner;
 - (d) Where there is a grounded suspicion based on information known to law enforcement authorities that a person has committed or is committing an offence against the present regulation or under any other applicable criminal law; or
 - (e) Where the UNMIK Police Commissioner determines that the authorised weapon is needed for the purpose of forensic, criminalistic or ballistic testing.
- 7.2 Where a person is in possession of a weapon for which he or she can display a valid WAC immediately on the demand of a member of a law enforcement authority and the person is also in possession of one or more other weapons for which he or she does not possess a valid WAC, all weapons shall be seized by the law enforcement authorities and the WAC(s) shall be seized and revoked with immediate effect.
- 7.3 Where the law enforcement authorities consider it necessary for any of the above or other reasons to seize a weapon for which a valid WAC is displayed upon demand, the WAC shall also be seized and automatically revoked.

Section 8 Offences and Penalties

- 8.1 The present section shall apply equally to authorised weapons and KFOR authorised weapons.
- 8.2 It shall be a criminal offence for any person to own, control, possess or use a weapon if he or she is not the holder of a valid WAC for that weapon.
- 8.3 It shall be a criminal offence for any person to use or brandish any weapon in a threatening, intimidating or otherwise unauthorised manner, or to direct an accomplice to do the same.
- 8.4 It shall be a criminal offence for any person holding a WAC to fail to notify UNMIK Police of any change in the ownership, possession or control of the authorised weapon.
- 8.5 Any person committing an offence under section 8.3 above shall be liable upon conviction to imprisonment for a term not exceeding 10 years or a fine of up to DM 20,000 or both. Any WAC issued to that person shall be automatically revoked.
- 8.6 Any person committing an offence under sections 8.2 and 8.4 above shall be liable upon conviction to imprisonment for a term not exceeding 8 years or a fine of up to DM 15,000 or both. Any WAC issued to that person shall be automatically revoked.
- 8.7 It shall be a criminal offence for any person to provide any false information, either verbally or in writing, at any stage of the application procedure for WAC.
- 8.8 It shall be a criminal offence for any person to manufacture, possess, sell or purchase a fraudulent WAC.
- 8.9 Any person committing an offence under sections 8.7 and 8.8 above shall be liable upon conviction to imprisonment for a term not exceeding 3 years or a fine of up to DM 10,000 or both. Any WAC issued to that person shall be automatically revoked.
- 8.10 It shall be a criminal offence for any person issued a WAC to fail to provide to a member of a law enforcement authority immediately upon demand the authorised weapon, or if it is not in his or her possession, to fail to inform such member of a law enforcement authority of its location.
- 8.11 It shall be a criminal offence for any person holding a WAC to fail to notify UNMIK Police of any change in residence address, which shall be reported to UNMIK Police within 15 days of the change of residence address.
- 8.12 Any person committing an offence under sections 8.10 and 8.11 above shall be liable upon conviction to imprisonment for a term not exceeding 3 months or a fine of up to DM 5,000 or both. Any WAC issued to that person shall be automatically revoked.
- 8.13 The UNMIK Police Commissioner may confiscate without compensation any unauthorised weapon or any authorised weapon used or held in any way not in compliance with the terms and conditions of the WAC. Such confiscated weapon may be destroyed or used by UNMIK Police for police purposes.

Section 9 Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 10 Scope

The present regulation shall not apply to:

- (a) Weapons used by KFOR, authorised United Nations security officers, UNMIK Police, the Kosovo Police Service, the Kosovo Correction Service or legal persons who are international security services providers registered and licensed pursuant to UNMIK Regulation No. 2000/33; or
- (b) KFOR authorised weapons, except as provided under sections 7 and 8 above.

Section 11 Hunting and Recreational Weapons

Provisions on the possession of hunting and recreational weapons, as referred to in Schedule A annexed to the present regulation, shall be set out in a separate administrative direction.

Section 12 Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 13 Entry into Force

The present regulation shall enter into force on 4 June 2001.

Hans Haekkerup

Special Representative of the Secretary-General

This report was written by Ian Davis, Director of British American Security Information Council, who undertook the research visits when he was Arms and Security Programme Manager at Saferworld. It is being published as part of Saferworld's project on small arms and security in South Eastern Europe.

Saferworld is an independent foreign affairs think tank, based in London, UK, working to identify, develop and publicise more effective approaches to tackling and preventing armed conflicts.

COVER PHOTO: German KFOR soldiers confiscate weapons from a Kosovo police station, including AK-47 rifles, mortar shells, and nail-studded sticks.

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